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THE  
**Statutes at Large,**

FROM THE

20<sup>th</sup> to the 23<sup>d</sup> Year of King GEORGE II.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

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THE  
**Statutes at Large,**

FROM THE  
20<sup>th</sup> to the 23<sup>d</sup> Year of King GEORGE II.

To which is prefixed,  
A TABLE containing the TITLES of all the STATUTES  
during that Period.

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VOL. XIX.

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By DANBY PICKERING, of Gray's-Inn, Esq;  
Reader of the Law Lecture to that Honourable Society.

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CUM PRIVILEGIO.



## TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the Twentieth to the Twenty Second Year of King GEORGE II. inclusive.

Anno 20 Georgii II.

Cap. 1. **F**OR the further continuing an act made in the last session of parliament, intituled, *An act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government.*

Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and forty seven.

Cap. 3. For repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties.

Cap. 4. To continue, explain, and amend an act made in the last session of parliament, intituled, *An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.*

Cap. 5. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*; and for applying a certain sum of money therein mentioned, towards the

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supply for the service of the year one thousand seven hundred and forty seven.

Cap. 6. To continue and make more effectual two acts of parliament; one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the first year of the reign of his present Majesty, for repairing the highways between the *Bear Inn* in *Reading* and *Puntfield* in the county of *Eerks*; and for amending other roads in the last act mentioned.

Cap. 7. For enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for repairing the roads leading from the western part of the parish of Shenfield, to Harwich, in the county of Essex, and the road leading from Chelmsford in the said county, to Sudbury in the county of Suffolk; and from Margretting to Malden in the county of Essex, and from Colchester to Langham in the same county;* and for repairing other roads adjoining to the same roads.

Cap. 8. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing, widening, and amending the road leading from *Warrington* to *Wigan* in the county of *Lancaster*; and also for amending and repairing the road leading from a place called *Earl's Kil*, in

a *Warrington*



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- Warrington* afore-said  
*Warrington*, in *Wigan* afore-said.
- Cap. 9. For repairing the high road leading from the north end of the *Cow Cawsey*, near the town of *Newcastle upon Tyne*, to the town of *Bel-ford*, and from thence to *Buckton Burn*, in the county of *Northumberland*.
- Cap. 10. For granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties.
- Cap. 11. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 12. For repairing the high road leading from the city of *Durham*, in the county of *Durham*, to *Tyne Bridge* in the said county.
- Cap. 13. For repairing the road from *Sunderland near the Sea*, to the city of *Durham*, in the county of *Durham*.
- Cap. 14. For opening, cleansing, repairing, and improving the haven of *Southwold* in the county of *Suffolk*.
- Cap. 15. For repairing, improving, and maintaining the publick conduits, and other water-works, belonging to the town of *Southampton*.
- Cap. 16. For enlarging the term and powers granted by several acts of parliament passed for repairing the highways between *Wymondham* and *Attleborough*, and from *Wymondham* to *Hetherfet*, and from the mouth of *Wigmore Lane* to *Hall Walk Gate* in *Attleborough*, in the county of *Norfolk*; and for amending the other roads adjoining to the highways directed to be repaired by the said former acts, and making the said acts more effectual.
- Cap. 17. For enlarging the term and powers granted by two acts of parliament, for laying a duty of two pennies *Scots* upon every pint of ale and beer brewed and vended within the town of *Dundee*, and the liberties and suburbs thereof, for the purposes in the said acts and this present act mentioned.
- Cap. 18. For the better preservation and improvement of the river *Weer*, and port and haven of *Sunderland*, in the county of *Durham*.
- Cap. 19. For the better adjusting and more easy recovery of the wages of certain servants; and for the better regulations of such servants, and of certain apprentices.
- Cap. 20. For relief of such of his Majesty's loyal subjects, in that part of *Great Britain* called *Scotland*, whose title deeds and writings were destroyed or carried off by the rebels, in the late rebellion.
- Cap. 21. For holding the summer assizes, and sessions of the peace, for the county of *Norfolk*, in the city and county of *Norwich*, until a new shire house can be built for the said county of *Norfolk*; and for building a new shire house on the castle hill in the same county; and for raising money on the said county for that purpose.
- Cap. 22. For building a bridge cross the river *Thames*, from the parish of *Walton upon Thames* in the county of *Surrey*, to *Shepperton* in the county of *Middlesex*.
- Cap. 23. For repairing the road leading from *Cirencester* in the county of *Gloucester*, to *Birdlip's Hill* in the said county.
- Cap. 24. For the better securing the payment of shares of prizes taken from the enemy, to the royal hospital at *Greenwich*; and for preventing the embezzlement of goods and stores belonging to the said hospital.
- Cap. 25. For repairing the high road leading

## A TABLE of the STATUTES.

leading from the town of *Stockton upon Tees*, to *Darlington*, and from thence through *Winston* to *Barnard Castle*, in the same county.

Cap. 26. For reviving and continuing an act passed in the sixth year of the reign of his late majesty King *George the First*, intituled, *An act for laying a duty of two penny Scots, or one sixth part of a penny Sterling, upon ever Scots pint of beer or ale vended or sold within the town of Bruntsford, and liberties thereof, for increasing the publick revenue of the said town, and for other purposes therein mentioned.*

Cap. 27. For founding and building a chapel in *Wednesfield*, in the parish of *Wolverhampton*, in the county of *Stafford*.

Cap. 28. For repairing the road leading from *Catherick Bridge*, in the county of *York*, to *Yarm* in the said county; and from thence to *Stockton* in the county of *Durham*; and from thence through *Sedgefield*, in the said county of *Durham*, to the city of *Durham*.

Cap. 29. To confirm an agreement made by the rector and vestry-men of the parish of *Saint James*, within the liberty of *Westminster*, for enlarging the churchyard of the said parish; and for other purposes therein mentioned.

Cap. 30. For allowing persons impeached of high treason, whereby any corruption of blood may be made, or for misprision of such treason, to make their full defence by council.

Cap. 31. For continuing the term, and enlarging the powers granted by an act passed in the twelfth year of his late Majesty's reign, intituled, *An act for repairing and widening the roads from the city of Gloucester to the city of Hereford*; and for repairing other roads in the county of *Gloucester*.

Cap. 32. For uniting the two colleges

of *Saint Salvator* and *Saint Leonard*, in the university of *Saint Andrews*, pursuant to an agreement for that purpose.

Cap. 33. To enable the parishioners of the parish of *Saint Andrew Holborn*, in the city of *London* and county of *Middlesex*, to purchase a convenient piece of ground, for an additional burying-ground, for the use of the said parish; and to enable the said parishioners to raise such sum and sums of money, as shall be necessary for that purpose.

Cap. 34. To enable his Majesty to allow to the residuary legatees of *Sir Joseph Jekyll* knight, late master of the rolls, deceased, part of the legacy given by his will to the use of the *Sinking fund*.

Cap. 35. To indemnify persons who have omitted to register their letters of attorney, appointing them agents for prizes, within the time limited by law; and for allowing further time for that purpose.

Cap. 36. For granting to his Majesty a certain sum of money out of the *Sinking fund*, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven; and for continuing the bounties on the exportation of *British* and *Irish* coarse linens.

Cap. 37. For the ease of sheriffs with regard to the return of process.

Cap. 38. For the relief and support of maimed and disabled seamen,

## A TABLE of the STATUTES.

- and the widows and children of such as shall be killed, slain, or drowned, in the merchants service.
- Cap. 39. For granting a duty to his Majesty to be paid by distillers, upon licences taken out by them for retailing spirituous liquors.
- Cap. 40. To revive, continue, and amend an act made in the ninth year of the reign of his late majesty King George the First, intituled, *An act for clearing, deepning, repairing, extending, maintaining, and improving the haven and piers of Great Yarmouth; and for deepning and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships wintering in the said haven, from accidents by fire.*
- Cap. 41. For vesting in his Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of his Majesty, and for ascertaining and satisfying the lawful debts and claims thereupon.
- Cap. 42. To enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights.
- Cap. 43. For taking away and abolishing the heretable jurisdictions in that part of Great Britain called Scotland; and for making satisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers, or agents in the law in Scotland to take the oaths; and for rendering the union of the two kingdoms more complete.
- Cap. 44. To extend the provisions of an act made in the thirteenth year of his present Majesty's reign, intituled, *An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in America, to other foreign protestants who conscientiously scruple the taking of an oath.*
- Cap. 45. To continue several laws relating to the manufactures of sail-cloth and silk; to give further time for the payment of duties omitted to be paid for the indentures of contracts of clerks and apprentices, and for better securing the payment of the said duties; and declaring that prize ships lawfully condemned shall be deemed British built ships; and for allowing prize goods to be landed and secured in proper ware-houses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption.
- Cap. 46. To prevent the return of such rebels and traitors concerned in the late rebellion, as have been, or shall be pardoned on condition of transportation; and also to hinder their going into the enemies country.
- Cap. 47. To continue several laws for prohibiting the importation of books reprinted abroad, and first composed or written and printed in Great Britain; for preventing exactions of the occupiers of locks and weirs upon the river of Thames westward, and for ascertaining the rates of water carriage upon the said river; and for better securing the lawful trade of his Majesty's subjects to and from the East Indies; and for the more effectual preventing all his Majesty's subjects, trading thither under foreign commissions; and relating to rice, to frauds in the customs, to the clandestine running of goods, and to copper ore of the British plantations; and for the free importation of cochineal

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neal and indico; and for punishment of persons destroying turnpikes, or locks or other works erected by authority of parliament.

Cap. 48. To indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law, and for allowing further time for that purpose.

Cap. 49. For declaring valid such acts as have been done by *Thomas Paulin*, as one of the principal land coal-meters of the city and liberty of *Westminster*, between the twenty ninth day of *September* last and the eighth day of *November* following.

Cap. 50. For taking away the tenure of ward holding in *Scotland*, and for converting the same into blanch and feu holdings; and for regulating the casualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats, incurred there by hording and denunciation for civil causes; and for giving to heirs and successors there a summary process against superiors; and for discharging the attendance of vassals at head courts there; and for ascertaining the services of tenants there; and for allowing heirs of tailzie there to sell lands to the crown for erecting buildings, and making settlements in the highlands.

Cap. 51. To enlarge the time limited by an act of the last session of parliament for restraining the use of the highland dress, and to enable heirs of tailzie, guardians, tutors, curators, and trustees in *Scotland* to sell lands to the crown.

Cap. 52. For the King's most gracious, general, and free pardon.

### *Private Acts.*

*Anno 20 Georgii II.*

1. An act to enable *Richard Wainhouse*, and his heirs male, to take and use the surname of *Emmott*,

and no other, pursuant to the will of *Christopher Emmott*, esquire, deceased.

2. An act for sale of part of the settled estate of *Harry earl of Stamford*, in order to discharge several incumbrances affecting the same.

3. An act for settling the estates of *Thomas earl of Leicester*, and *Edward Coke* esquire, commonly called lord *Coke*, his only son, in the county of *Norfolk*, on the marriage of the said *Edward lord Coke* with the lady *Mary Campbell*, one of the daughters of *John* late duke of *Argyll*, deceased.

4. An act for settling the estates of *William lord Byron* and *Elizabeth Shaw* spinster, an infant, on their intermarriage.

5. An act to enable Sir *Thomas Parkyns* baronet, and *Jane Parkyns* (with the consent of their guardians and trustees) to make a conveyance by way of settlement, on their intermarriage, notwithstanding their minority.

6. An act for raising money by leasing or sale of the estates late of *Thomas Taylor* esquire the father, and *Thomas Taylor* esquire the son, deceased, to discharge the debts and incumbrances affecting the same, and for making a partition of such estates, or so much thereof as shall not be sold for the purposes aforesaid.

7. An act to enable *Lillie Smith*, and his heirs by *Valentina* his wife (formerly *Valentina Aynscombe*) to take and use the surname of *Aynscombe*, pursuant to the will of *Thomas Aynscombe* esquire, deceased.

8. An act to enable *Edmund Garforth*, formerly called *Edmund Dring*, and his heirs, to take, use, and bear the surname and arms of *Garforth*.

9. An act to confirm a decree of the court of the duchy of *Lancaster*, concerning certain marish lands, called *Sutton Marsh*, in the county of *Lincoln*, and a conveyance, from

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- Lascells Metcalf* esquire, of the same to the corporation of the president and governors of the hospital founded at the sole costs and charges of *Thomas Guy* esquire.
10. An act for the sale of the rectory of *Saint Botolph without Aldgate, London*, the estate of *Thomas Kynaston* clerk, comprized in his marriage settlement, and for purchasing another estate, to be settled to the uses of the said settlement.
11. An act for vesting the estates of doctor *Simon Burton* deceased, in the counties of *Wilt*s and *Southampton*, in trustees, to raise money for the payment of several debts and incumbrances, and for other purposes therein mentioned.
12. An act for confirming and establishing certain articles of agreement between the heirs at law and devisees of *Joceline* late earl of *Leicester*, deceased, for the settlement and disposition of the real estate of the said earl, and for rendering the said agreement more effectual for the purposes thereby intended.
13. An act for raising money out of the settled estates of *Richard Oakley* esquire, in the counties of *Salop* and *Oxford*, for the payment of several debts and incumbrances, and for providing a recompence for the same, in such manner as is therein mentioned.
14. An act for vesting part of the settled estate of *Henry Talbot* esquire, in the county of *Warwick*, in him, in fee simple, discharged of the uses of his marriage settlement, upon his settling other lands, of greater value, to the same uses.
15. An act for sale of the estates of *William Moore* esquire, in the counties of *Suff*sex, *Surrey*, and *Stafford*, for payment of debts and legacies.
16. An act to empower *Anne Colemore* widow, and her assigns, during the life of *Thomas Colemore* merchant, to make building leases of lands in and near *Birmingham*, in the county of *Warwick*.
17. An act to enable the guardian of *Elizabeth Sambrooke* and *Diana Sambrooke*, infants, to join with *Mary Sambrooke* their sister in making building leases of divers houses and tenements in the county of *Middlesex*.
18. An act to empower the guardians of *William Mitchell*, and other infants, to make leases of their estates in the several counties of *Huntingdon*, *Surrey*, *Middlesex*, *Cambridge*, *Leicester*, *Kent*, *Somerset*, and *Norfolk*, during their minorities.
19. An act for making a settlement of the real and personal estate of *Thomas Garrard* esquire, deceased, pursuant to his intention declared in his life-time, and at the desire, and with the consent of his six sons.
20. An act for vesting several estates of *Thomas Rolt* esquire, in trustees, to be sold for raising money, to discharge incumbrances affecting the same, and other debts; and for securing an equivalent, in respect of the settled part of such estates, for the benefit of his wife and infant son; and for the providing portions for his daughters, and for other purposes.
21. An act for sale of the real estate of *Richard Powys* esquire, deceased, for payment of his debts and daughters portions, and for other purposes therein expressed.
22. An act for sale of certain estates in *Tewin* and *Datchworth* in the county of *Hertford*, belonging to *Jane*, *Anne*, *Mary*, and *Susanna Awdrey*, *Kemeys*, infants, pursuant to an agreement entered into by their trustees for that purpose.
23. An act for sale of the settled and other estate of *John Curtis*, in the county of *Norfolk*, and applying part of the money arising thereby in payment of legacies and debts, and

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and applying other part of such money in the purchase of other estates, to be settled to the like uses, and for other purposes therein mentioned.

24. An act for vesting the capital messuage, called *Great Frogmore*, with the lands and grounds thereunto belonging, devised by the will of *Mary*, late dutchess of *Northumberland*, in trustees, to be sold for the purposes therein mentioned.
25. An act for sale of certain estates in the counties of *Hereford*, *Monmouth*, and *Gloucester*, of *Robert Gwilym* esquire, and *Robert Gwilym* his son, for discharging incumbrances affecting the same, and for settling, in lieu thereof, other lands and hereditaments in the county of *Lancaster*, and for other purposes therein mentioned.
26. An act for vesting a farm and lands in *Cullumpton*, in the county of *Devon*, late the estate of *Robert Drew* gentleman, deceased, in trustees, in order to convey the same to *Henry Cruwys* gentleman, pursuant to an agreement with *Mary Drew* widow, and for discharging a mortgage on the said estate.
27. An act for sale of the estate of *Edward Masters* deceased, for payment of his debts, and for other purposes therein mentioned.
28. An act to dissolve the marriage of *Corbyn Morris* esquire, with *Elizabeth Fanshawe* his now wife, and to enable him to marry again, and for other purposes therein mentioned.
29. An act to empower *Mory Stillington* widow, to execute a power vested in *Joseph Stillington* esquire, her late husband, deceased, for raising money to complete the inclosure of the common fields and common grounds in the manor of *Kelfield*, in the county of *York*.
30. An act to enable *Thomas Bushell* esquire, and his descendants, to

take and use the surname and arms of *Fettiplace*.

31. An act for naturalizing *Mark Listard*, *Henry Uthhoff*, and *John David Ziegell*.
32. An act for naturalizing *Albert Vandenvelde* merchant.

Anno 21 Georgii II.

Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and forty eight

Cap. 2. For granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, *That prize goods and merchandize may be exported without paying any duty of custom or excise for the same*.

Cap. 3. To revive and make perpetual two acts of parliament; one made in the twelfth year of the reign of his late majesty King *George the First*, intituled, *An act to prevent frivolous and vexatious arrests*; and the other made in the fifth year of his present Majesty's reign, to explain, amend, and render more effectual the said act.

Cap. 4. To prohibit assurance on ships belonging to *France*, and on merchandizes or effects laden thereon, during the present war with *France*.

Cap. 5. For repairing the high road from the town of *Bowes* in the county of *York*, to *Barnard Castle* in the

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- the county of *Durham*, and from thence through *Staindrop* to *Newgate* in *Bishop Auckland*, and from *Newgate* along *Gibb Chair* to *Guandless Bridge*, and from thence by *Melderston Gill*, otherwise *Coundon Gill*, to the turnpike road near *Sunderland Bridge*, in the county of *Durham*.
- Cap. 6. To punish mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 7. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and forty eight.
- Cap. 8. For empowering *George Montgomerie*, and *Thomas Byrd*, esquires, and *Ezra Patching*, to complete an undertaking, for furnishing the inhabitants of the several parishes and places of *Stratford*, *Westham*, *Bow*, *Bromley*, *Mile-end*, *Stepney*, and other parishes and places adjacent, with water; and for better securing their property in such undertaking.
- Cap. 9. To indemnify persons who have omitted to qualify themselves for offices and employments, within the time limited by law, and for allowing further time for that purpose.
- Cap. 10. For explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties.*
- Cap. 11. For further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships, wrecked, lost, or taken; and for continuing to them their wages upon certain conditions.
- Cap. 12. For holding the summer assizes for the county of *Buckingham* at the county town of *Buckingham*.
- Cap. 13. To rectify a mistake in an act made this session of parliament, intituled, *An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.*
- Cap. 14. For permitting tea to be exported to *Ireland*, and his Majesty's plantations in *America*, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament.
- Cap. 15. For enlarging the term and powers granted by an act passed in the eighth year of the reign of his present Majesty, for repairing the roads from the town of *Manchester*, leading through *Newton*, *Faithworth*, and *Oldham*, in the county palatine of *Lancaster*, to *Austerlands*, in the parish of *Saddleworth*, in the county of *York*; and for making the same more effectual.
- Cap. 16. For enlarging the term and powers granted by an act passed in the tenth year of the reign of his present Majesty, *For repairing the road from Hertford Bridge Hill, to the town of Basingstoke; and also the road from Hertford-Bridge Hill aforesaid, to the town of Odiham, in the county of Southampton*; and for making the said act more effectual.
- Cap. 17. To render more effectual an act made in the twentieth year of his Majesty's reign, intituled, *An act for relief of such of his Majesty's loyal subjects in that part of Great Britain*

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*Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion.*

Cap. 18. For draining and preserving certain fen lands in the several parishes of *Minney, Upwell, Welney, Downham, Witcham*, and in a certain extraparochial place in *Byal Fen*, within the isle of *Ely* and county of *Cambridge*.

Cap. 19. For the more effectual trial and punishment of high treason and misprision of high treason, in the highlands of *Scotland*; and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some further regulations relating to sheriffs depute and stewarts depute, and their substitutes; and for other purposes therein mentioned.

Cap. 20. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King *George the First*, for repairing the several roads leading from *Birmingham*, through the town of *Wednesbury*, to a place called *High Bullin*, and to *Great Bridge*; and from thence to the end of *Gibbet Lane*, next adjoining to the township of *Bilston*; and from *Great Bridge*, through *Dudley* to *King-Swinford*, and to the further end of *Brittel Lane*, in the counties of *Warwick, Stafford, and Worcester*.

Cap. 21. For erecting workhouses, for the better employing and maintaining the poor within the burgh of *Bury Saint Edmunds*, in the county of *Suffolk*; and for the better repairing and paving the streets and highways there.

Cap. 22. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King *George the First*, intituled, *An act for repairing the roads leading from the town of*

*Bromsgrove to the town of Dudley, in the county of Worcester; and from the said town of Bromsgrove to the town of Birmingham, in the county of Warwick; so far as the said act relates to repairing the roads leading from the town of Birmingham to the town of Bromsgrove, in the county of Worcester; and for making the same more effectual.*

Cap. 23. For granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty eight; and for applying a sum of money remaining in the exchequer, arisen by the rates and duties on houses which determined at *Lady-day*, one thousand seven hundred and forty seven; and for the further appropriating the supplies granted in this session of parliament, and for applying a certain sum of money for defraying the charge of the allowances for the year one thousand seven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse lately reduced.

Cap. 24. For building a church in the town of *Liverpool*, in the county palatine of *Lancaster*, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch there.

Cap. 25. For repairing the roads leading from *Sutton Colefield* common to the town of *Walsall* and from *Sneals Green* to *Walsall*, and from *Walsall* to *Park Brook*, which divides the parishes of *Wolverhampton* and *Walsall*, and from *Gibbet Lane* to *Wolverhampton*, and from *Compton* to the end of the county of *Stafford*, and from *Wolverhampton* to the *Wergs*, and from thence to *Shiffnall*, and from the *Wergs* to *Hales Heath*, and from *Wolverhampton*



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*hampton to Cannock Wood in the road to Litchfield.*

- Cap. 26. For explaining, amending, and enforcing an act made in the eighteenth year of the reign of his present Majesty, intituled, *An act for prohibiting the wearing and importation of cambricks and French lawns.*
- Cap. 27. For repairing the high road from *Piersbridge* to *Kirkmerrington* in the county of *Durham*, and from thence to the turnpike road at *Tudhoe Lane* end in the said county.
- Cap. 28. To explain and amend an act passed in the fourteenth year of his Majesty's reign, intituled, *An act for the preservation of the publick roads in that part of Great Britain called England*; and so much of an act passed in the third year of the reign of King *William* and Queen *Mary*, intituled, *An act for the better repairing and amending the highways, and for settling the rates of the carriage of goods*, as relates to the settling the rates of the carriage of goods.
- Cap. 29. For the further relief of the orphans and other creditors of the city of *London*; and for other purposes therein mentioned.
- Cap. 30. For encouraging the making of indico in the *British* plantations in *America*.
- Cap. 31. For relief of insolvent debtors.
- Cap. 32. For the relief of the annuitants of the wardens and commonalty of the mystery of *Mercers* of the city of *London*.
- Cap. 33. To continue and amend several laws for the relief of debtors with respect to the imprisonment of their persons; and to rectify a mistake in an act passed in the last session of parliament for continuing several laws therein mentioned; and to continue two acts, the one passed in the nineteenth year, the other in the twentieth year of his

present Majesty's reign, to prevent the spreading of the distemper amongst the horned cattle.

- Cap. 34. To amend and enforce so much of an act made in the nineteenth year of his Majesty's reign, as relates to the more effectual disarming the highlands in *Scotland*, and restraining the use of the highland dress; and to masters and teachers of private schools and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of episcopal ministers in *Scotland*; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practising in the courts of session and justiciary, to take the oaths; and to repeal some clauses in an act made in the first year of the reign of his late majesty King *George* the First, whereby certain encouragements are given to landlords and tenants in *Scotland*, who should continue in their duty and loyalty to his said late Majesty; and for other purposes therein mentioned.

### *Private Acts.*

*Anno 21 Georgii II.*

1. An act for naturalizing *Cæsar de Missy* and *Charles de Missy*.
2. An act for vesting the settled estate of the right honourable *Francis earl Brooke*, in the county of *Southampton*, in trustees, to be sold, and for laying out the money arising thereby, in the purchase of other hereditaments of equal or greater value, to be settled in lieu thereof, and for other purposes therein mentioned.
3. An act for impowering *Granville Leveson Gower*, commonly called lord *Trentham*, to raise portions for younger children; and also to explain and amend certain powers for making jointures in the settlement

made

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made on his marriage with *Elizabeth* his late wife.

4. An act to enable *James Stanley* esquire, commonly called lord *Strange*, eldest son and heir apparent of *Edward* earl of *Derby*, and his issue by *Lucy* his wife (late *Lucy Smith*) to take and use the surname of *Smith*, and bear the arms of *Smith* and *Heriz*.
5. An act for vesting the settled estate late of the honourable *Robert Byng* esquire, deceased, and *Elizabeth* his wife, in the county of *Hertsford*, in trustees, to be sold; and for applying the money arising by such sale, for the purposes therein mentioned.
6. An act for inrolling the will of *George* late viscount *Lanesborough* in the kingdom of *Ireland*, and making the exemplification thereof evidence in all courts in *Great Britain* and *Ireland*.
7. An act to confirm and establish an agreement for inclosing and dividing certain common fields in the hamlet of *Badbury* in the county of *Wilts*.
8. An act to enable *Robert Burton*, lately called *Robert Lingen*, and the heirs male of his body, to take and use the surname of *Burton* only, pursuant to the will of *Thomas Burton* esquire, deceased.
9. An act to enable his Majesty to grant the inheritance of the manors of *Woking*, *Chabham*, and *Bagshott*, and other lands and hereditaments in the county of *Surrey*, to *Abel Walter*, esquire, and his heirs.
10. An act for naturalizing *Anthony Andre*, *David Andre*, and others.
11. An act for vesting a moiety of the late Sir *George Strode*'s estates, in the counties of *Dorset* and *Somerset*, in the right honourable *Francis* earl *Brooke*, as the same is now held and enjoyed by him, pursuant to Sir *George Strode*'s will, and the partition of the said estates made by virtue of a decree of the court of *Chancery*.
12. An act for the sale of certain lands in the parishes of *Barking* and *Dagenham*, in the county of *Essex*, part of the estate of the late Sir *Orlando Humfreys* baronet, deceased, for the purposes therein mentioned.
13. An act for vesting divers manors, lands and hereditaments in the county of *Suffolk*, late the estate of *Thomas Carthew* esquire, deceased, in his executors, to enable them to convey the same, pursuant to articles entered into for the purchase thereof.
14. An act for sale of the estate late of *Henry Fleetwood* esquire, deceased, in the county of *Lancaster*, for raising money to discharge the incumbrances affecting the same, and for laying out the surplus of the money arising by such sale, in the purchase of other lands and hereditaments, to be settled to the uses of a former settlement.
15. An act for vesting certain estates of *Thomas Lloyd* esquire, and *Anne* his wife, in trustees, to be sold for discharging incumbrances affecting the same, and for settling other estates to the uses of their marriage settlement.
16. An act for vesting the equity of redemption of divers messuages, lands, and hereditaments in *Kingston upon Hull*, and the county of *York*, late the estate of *George Dawson* esquire, deceased, in *Roper Dawson*, his eldest son and heir, upon his undertaking to discharge the several incumbrances affecting the same, and to make a provision for his brothers and sisters.
17. An act for confirming an agreement between *James Fox* and *John Bridges* esquires, for exchanging certain lands in the parish of *Cobham*, in the county of *Surry*, and for rendering the said agreement more

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more effectual for the purposes thereby intended.

18. An act for sale of the settled estate of *George Chafin* esquire, in the counties of *Southampton* and *Surrey*, for paying off and discharging several debts and incumbrances, and for settling lands in the county of *Somerset*, in lieu thereof, to the like uses.
19. An act for vesting the settled estate late of *Joseph Banks* the elder esquire, deceased, in the parish of *Saint James*, within the liberty of *Westminster*, in trustees, in order to make sale thereof, and for laying out the money arising by such sale in the purchase of lands to be settled to the same uses.
20. An act for confirming certain articles of agreement between the creditors of *Hugh Nash* esquire, and the trustees named in an act of parliament of the eleventh year of his present Majesty, for vesting the real and personal estates of the said *Hugh Nash* in trustees, for the benefit of his creditors, and for other purposes therein mentioned.
21. An act for repealing of part, and for explaining and amending other parts of an act passed in the eighteenth year of the reign of his present Majesty, intituled, *An act for charging, selling, and applying part of the settled estate of Anthony Keck esquire, for raising money towards the purchase of the manors of Dalby and Broughton in the county of Leicester, contracted for pursuant to the will of Anthony Keck his Grandfather*, and for other purposes therein mentioned.
22. An act for sale of part of the estate late of *Corbet Kynaston* esquire, deceased, for the payment of debts affecting the same, and for other purposes therein mentioned.
23. An act for raising money out of an estate in the county of *Middlesex*, given by *Lawrence Sheriff*, for the founding and maintaining a school and alms-houses at *Rugby* in the county of *Warwick*, to be applied in rebuilding the said school, or purchasing one or more messuage or messuages, together with some ground adjoining thereto, and for the better support of the said charity.
24. An act for vesting the estates of *Richard Williams* a bankrupt (which were settled on his marriage with *Sarah Williams* his present wife) in the assignees under the commission of bankruptcy awarded against him, to be sold for payment of his debts, and for making a provision for the said *Sarah Williams*, and her issue, in such manner as therein is mentioned.
25. An act for inclosing, dividing, and exchanging the common fields, common pastures, common meadows, and other grounds, in the manor and township of *Faceby* in *Cleveland*, in the northriding of the county of *York*, and for providing certain recompences to the impropiators and vicar of *Faceby*, in lieu of tythes.
26. An act to confirm and establish an agreement, for inclosing and dividing a large open common pasture ground called *Somergangs*, otherwise *Somergams*, in the parish of *Drypool*, in the county of *York*.
27. An act for confirming and establishing agreements, for inclosing and exchanging lands in *Holton*, in the county of *Lincoln*, and for rendering the same more effectual for the purposes thereby intended.
28. An act for inclosing certain common pasture grounds, within the manors and parishes of *Langwith* and *Plesley*, and the hamlets of *Stoney Houghton* and *Shirbrook*, in the said parishes, in the county of *Derby*.
29. An act to enable *Richard Weddell* esquire (lately called *Richard Elcock*)

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- cock*) and his issue, to take and bear the surname and arms of *Weddell*, pursuant to the will of *Thomas Weddell* esquire, deceased; and for empowering the said *Richard Weddell*, and those in remainder after him, to make leases of the estates devised to him and them by the said will.
30. An act for naturalizing *John Thorbecke*.
31. An act for naturalizing *Peter Neau*.

### Anno 22 Georgii II.

- Cap. 1. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine.
- Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and forty nine.
- Cap. 3. Declaring the authority of the commissioners appointed by his Majesty under the great seal of *Great Britain*, for receiving, hearing, and determining appeals in causes of prizes.
- Cap. 4. For repairing and widening the road leading from the well at the north-west end of the town or village of *Farnborough* in the county of *Kent*, to a place called *Riverhill*, in the parish of *Sevenoaks*, in the said county.
- Cap. 5. For punishing mutiny and desertion, and for the better payment of the army and their quarters.
- Cap. 6. For repairing, enlarging, and preserving the harbour of *Ellenfoot* in the county of *Cumberland*.
- Cap. 7. For repairing the road from the *West Cowgate* near the town of *Newcastle upon Tyne*, through the west end of *Keaton*, *Pont Eland*, *Higham Dykes*, *Newham Edge*, *Bell-say Mill*, and *South Middleton*, to the north side of the river *Wansbeck*, in the county of *Northumberland*.
- Cap. 8. To continue two acts of parliament, one of the first and the other of the ninth year of the reign of his present Majesty, for repairing and enlarging the road leading from the house called *The Sign of the Bells*, in the parish of *Saint Margaret* in *Rochester*, to *Maidstone*, and other roads therein mentioned in the county of *Kent*; and for rendering the same more effectual.
- Cap. 9. For repairing the road from *North Shields* in the county of *Northumberland*, to the town of *Newcastle upon Tyne*.
- Cap. 10. For laying a duty of two pennies *Scots*, upon every *Scots* pint of beer and ale which shall be sold or vended, brewed, brought in, or tapped for sale, within the town of *Anstruther Easter*, and liberties thereof.
- Cap. 11. For draining and preserving certain fen lands and low grounds in the several parishes of *Sutton*, *Mepall*, *Witcham*, *Chatteris*, *Dodingdon*, and a place called *Byal Fen*, in the *Isle of Ely*, and county of *Cambridge*; and also in the parishes of *Somursham* and *Pidley* with *Fenton* in the county of *Huntingdon*.
- Cap. 12. For continuing and making more effectual two acts of parliament, the one passed in the eleventh year of the reign of his late majesty King *George* the First, and the other in the third year of the reign of his present Majesty, for repairing the road leading from *Sherbrook Hill* near *Buxton* and *Chapel in the Frith* in the county of *Derby*, through the town of *Stockport* in the county of *Chester*, to *Manchester* in the county of *Lancaster*; and for amending other roads adjoining to the road directed to be repaired by the first mentioned act.
- Cap. 13. For laying a duty of two pennies

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- pennies *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of *Kinghorn*, and liberties thereof.
- Cap. 14. For continuing and making more effectual two acts of parliament, for repairing the highway between a certain place called *Kilburn Bridge* in the county of *Middlesex* and *Sparrows Herne* in the county of *Hertford*.
- Cap. 15. For enlarging the term and powers granted by an act passed in the second year of the reign of his present Majesty, for repairing the several roads therein mentioned, leading into the town of *Leominster* in the county of *Hereford*; and for making the said act more effectual.
- Cap. 16. For draining and improving certain fen lands within the manors and parishes of *Upwell* and *Outwell*, and the parishes of *Denver* and *Welney*, in the *Ile of Ely*, and counties of *Cambridge* and *Norfolk*.
- Cap. 17. For effectually amending and repairing the road leading from *Wansford Bridge* in the county of *Northampton*, to the town of *Stamford* in the county of *Lincoln*.
- Cap. 18. For enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing the several roads leading into the city of *Hereford*.
- Cap. 19. For the more effectual draining and preserving of several fen lands, and field lands, in the bounds and precincts of *Whittlesea* in the *Ile of Ely*, in the county of *Cambridge*.
- Cap. 20. For making more effectual an act passed in the eleventh and twelfth years of the reign of King *William the Third*, for the better preserving the navigation of the rivers *Avon* and *Froome*; and for cleansing, paving, and enlightening the streets of the city of *Bristol*, so far as the same act relates to the paving and enlightening the said streets; and for the regulating hackney coachmen, halliers, draymen, and carters, and the markets, and sellers of hay and straw, within the said city and liberties thereof.
- Cap. 21. For explaining and amending an act passed in the seventeenth year of his present Majesty's reign, intituled, *An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of Scotland, and of the heads, principals, and masters of the universities of Saint Andrews, Glasgow, and Edinburgh*.
- Cap. 22. For the better ascertaining, recovering, and collecting certain duties commonly called petty customs, or wharfage, payable upon the importation and exportation of goods and merchandizes into, or out of the harbour of the borough and town of *Weymouth* and *Melcombe Regis* in the county of *Dorset*; and also of ballast and harbour-duties payable in respect of ships and vessels coming into, and going out of the said harbour, and for the better repairing and keeping in repair the said harbour and the wharfs, and other publick buildings and works within the said borough and town.
- Cap. 23. To charge the sinking fund with the payment of annuities, in discharge of navy, victualling and transport bills, and ordnance debentures, to the amount therein mentioned.
- Cap. 24. For remedying inconveniences which may happen by proceedings in actions on the statutes of *Hue and cry*.
- Cap. 25. To explain and amend so much of an act made in the ninth year of the reign of Queen *Anne*, intituled, *An act for establishing a general*

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*general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; as relates to horses or furniture to be let to persons riding post.*

Cap. 26. For repairing and widening the several roads leading into the town of *Ros* in the county of *Hereford*.

Cap. 27. For the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages.

Cap. 28. For continuing two acts of parliament, the one passed in the thirteenth year of the reign of his late majesty King *George* the First, for amending the several roads leading from the city of *ristol*; and the other passed in the fourth year of the reign of his present Majesty, to explain and amend the same act; and for making the said acts more effectual; and also for repairing other roads therein mentioned.

Cap. 29. For making an authentick roll of valuation for the shire of *Argyll*.

Cap. 30. For encouraging the people known by the name of *Unitas Fratrum*, or *United Brethren*, to settle in his Majesty's colonies in *America*.

Cap. 31. For opening and making a new road from the east end of *New Street* in the parish of *Saint John, Southwark*, to and through the several places therein mentioned; and for keeping the said road in repair for the future.

Cap. 32. For enlarging the term and powers granted by an act passed in the eighteenth year of the reign of his present Majesty, for repairing the high road leading from *Borough Bridge* in the county of *York*, through *North Allerton* in the same county, to *Croft Bridge* on the river *Tees*; and from thence through *Darlington* in the county of *Durham*, to the city of *Durham*; and for making the same more effectual.

Cap. 33. For amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea.

Cap. 34. For enlarging the term and powers granted by an act made in the third year of the reign of his present Majesty, intituled, *An act for making a new road, and for repairing and amending the ancient road between the towns of Wisbech and March, in the Isle of Ely and county of Cambridge*.

Cap. 35. For repairing and widening the road leading from the town of *Kingston upon Thames* in the county of *Surrey*, to a place called *Stoutbridge*, near *Petersfield* in the county of *Southampton*; and also the road from *Hindhead Heath*, through *Fernhurst Lane* and *Midhurst*, to the city of *Chichester* in the county of *Suffex*.

Cap. 36. For the more effectual preventing the importation and wear of foreign embroidery and brocade, and of gold and silver thread, lace, or other work made of gold or silver wire manufactured in foreign parts.

Cap. 37. For the better securing his Majesty's duties arising upon coal, culm, and cinders, exported beyond sea.

Cap. 38. To prevent the mischiefs which may happen by keeping too great quantities of gunpowder in

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any one place, or carrying too great quantities of gunpowder together from one place to another.

Cap. 39. For enlarging the powers granted by an act passed in the sixteenth year of the reign of his present Majesty, for repairing the road from *Borough-bridge*, in the county or *York*, to *Catherick* in the same county, and from thence to *Pierse-bridge* on the river *Tees*.

Cap. 40. For enlarging and maintaining the harbour of *Ramsgate*, and for cleansing, amending, and preserving the haven of *Sandwich*.

Cap. 41. For rectifying mistakes in the names of several of the commissioners appointed to put in execution the act for granting a land tax for the year one thousand seven hundred and forty eight, and for appointing other commissioners, together with those named in the said act, to put in execution an act for granting a land tax for the year one thousand seven hundred and forty nine, and for directing the names of collectors of the said tax to be certified to the receivers general; and for the relief of the borough of *Honiton* as to arrears of the land tax, and the house and window taxes, for the years one thousand seven hundred and forty seven, and one thousand seven hundred and forty eight.

Cap. 42. For granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty nine; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards; and for

continuing the bounties on the exportation of *British* and *Irish* linens; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders lost, burnt, or otherwise destroyed.

Cap. 43. For the further enlarging the term and powers granted and continued by two acts of parliament, the one passed in the twelfth year of the reign of her late majesty Queen *Anne*, and the other in the twelfth year of the reign of his late majesty King *George* the First, *For repairing the roads from the city of Worcester, through the borough of Droitwich to Dyers Bridge near Bromsgrove, in the county of Worcester; and also for repairing the roads from Dyers Bridge through the town of Bromsgrove to Spadesbourn Bridge, and from Droitwich to Bradley Brook, in the same county.*

Cap. 44. To enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.

Cap. 45. For the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants as shall serve, for the time therein mentioned, on board such ships as shall be fitted out for the said fishery.

Cap. 46. To continue several laws for preventing exactions of the occupiers of locks and weirs upon the river *Thames* westward, and for ascertaining the rates of water carriage upon the said river; and for continuing, explaining, and amending the several laws for the better regulation of attornies and solicitors; and for regulating the price and assize of bread; and for preventing the spreading of the distemper amongst the horned cattle; and also

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also for making further regulations with respect to attornies and solicitors; and for further preventing the spreading of the distemper amongst the horned cattle; and for the more frequent return of writs in the ties palatine of *Chester* and *Lan-* and for ascertaining the method of levying writs of execution against the inhabitants of hundreds; and for allowing *Quakers* to make affirmation in cases where an oath is or shall be required.

Cap. 47. For the more easy and speedy recovery of small debts, within the town and borough of *Southwark*, and the several parishes of of *Saint Saviour*, *Saint Mary at Newington*, *Saint Mary Magdalen Bermondsey*, *Christ Church*, *Saint Mary Lambeth*, and *Saint Mary at Rotherhithe*, in the county of *Surry*, and the several precincts and liberties of the same.

Cap. 48. To ascertain and establish the method of proceeding to and upon outlawries for high treason, and imprisonment of high treason, in *Scotland*.

Cap. 49. For making a free market for the sale of fish in the city of *Westminster*; and for preventing the forestalling and monopolizing of fish; and for allowing the sale of fish, under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook.

Cap. 50. For the better repairing the highways, and cleansing the streets, within the parish of *Saint Leonard Shoreditch*, in the county of *Middlesex*; and for better enlightening the open places, streets, lanes, passages, and courts there; and regulating the nightly watch, and bedels, within the said parish.

Cap. 51. For enlarging the terms and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing  
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the high road leading from the town of *Stockton upon Tees* to *Darlington*, and from thence through *Winston* to *Barnard Castle* in the same county, and for the effectual amending of the same.

Cap. 52. For vesting the several estates of *James* late earl of *Derwentwater* and *Charles Radcliffe* deceased, comprized in several settlements therein mentioned, in trustees, for an absolute estate of inheritance, for the benefit of the royal hospital at *Greenwich*, and for raising certain sums of money out of part of the said estates, for the relief of the children of the said *Charles Radcliffe*.

### Private Acts.

Anno 22 Georgii II.

1. An act for enclosing and dividing *East Woodhey Down*, and the open and common fields of *East Woodhey* and *Hollington* in the county of *Southampton*, pursuant to an agreement entered into for that purpose.
2. An act for enabling *John Griffin Whitwell* esquire, and his issue, to take and use the surname and arms of *Griffin*.
3. An act to enable *Samuel Grundy* (now called *Samuel Swinfen*) and the heirs male of his body, to take and use the surname and arms of *Swinfen*.
4. An act for naturalizing *Martin Klencke*, *John James Grand*, and *Anthony Columbies*.
5. And act for naturalizing *Gabriel Guillon*.
6. An act for confirming an order and rule of the court of *Common Pleas*, for assessing certain lands and tenements in the manor of *Bellow*, to the parochial rates and levies of and in the parish of *Tring*, in the county of *Hertford*.
7. An act for confirming and establishing an agreement for dividing and inclosing certain open fields  
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- and lands in the manors of *Wakerley* and *Wittering*, in the county of *Northampton*.
8. An act for confirming articles of agreement and award for inclosing and dividing the heaths, wastes, fields, and common grounds in the township of *Norton juxta Twicross*, in the county of *Leicester*.
  9. An act for settling a certain yearly payment to the rector of *Broughton* in the county of *Bucks*, for the time being, in lieu of tithes, and for other purposes therein mentioned.
  10. An act for explaining and amending a power given by the marriage settlement of *Richard Luther* esquire, and *Charlotte* his wife, and for making the same more effectual for the benefit of the children of that marriage.
  11. An act for empowering the committee of the estate of *John Rogers* esquire, a lunatick, to make surrenders and leases of the freehold and leasehold estates of the said lunatick, during his lunacy.
  12. An act to enable and oblige *Charles Fitz Roy* esquire, and *Frances* his wife, and the issue of her body, to take and use the additional surname, and bear the arms of *Scudamore*.
  13. An act for authorizing and empowering *Thomas Harrison* to take and use the surname of *Kimpson*, in performance of a condition contained in the will of *Thomas Kimpson* clerk, deceased.
  14. An act to enable *Joseph Foster Barham* esquire, and his issue, to take and use the surname of *Barham*, pursuant to the will of *Henry Barham* esquire deceased.
  15. An act to dissolve the marriage of *Samuel Rash* gentleman, with *Dorothy Fuller*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.
  16. An act for naturalizing *George William Renner*, and *Frederick Christopher Pritzler*.
  17. An act for naturalizing *Magdalen Aldworth*.
  18. An act for naturalizing *Charles Louis Courant*.
  19. An act for divesting the crown of the reversion in fee simple of and in the manors of *Spalding* and *Holbeck*, and of several lands, tenements, and hereditaments to the same belonging, in the county of *Lincoln*, and of and in a piece or parcel of ground in the parish of *Saint Martin in the Fields*, in the county of *Middlesex*, and the buildings thereon, expectant on certain estates tail, and for vesting the same in certain other persons therein named, to the intent the same may be barred by proper methods in law, for the purpose therein mentioned.
  20. An act to enable *Charles* earl of *Peterborough*, or the other heirs of entail, to sell lands in the counties of *Kincardine* and *Aberdeen*, for payment of debts charged thereupon, and other purposes therein mentioned.
  21. An act to enable the bishop of *London*, or his successors, to demise or sell the capital messuage or mansion house called *London House*, for the benefit of the bishoprick of *London*.
  22. An act for applying part of the personal estate of *Gilbert* late lord bishop of *Salisbury*, for the purchasing of lands or rents in perpetuity in *Scotland*, to be settled to several charitable uses and purposes in his will mentioned.
  23. An act for confirming and establishing an agreement between *Henry* lord *Tynham* and *Sir Francis Curson* baronet, for a partition of the estate of *John Powell* esquire, deceased, and for rendering the said agreement more effectual for the purposes

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purposes thereby intended, and for other purposes therein mentioned.

24. An act for raising money upon the settled estate of *William* lord viscount *Vane*, for the payment of his debts.
25. An act for sale of the inheritance of part of the settled estate of *Charles* lord viscount *Fane*, in the county of *Devon*, and in the county of *Essex*, in the kingdom of *Ireland*, for discharging debts and incumbrances; and also for settling another estate in the county of *Berks*, in lieu thereof; and for securing a rent charge to *Mary* viscountess *Fane*, as a compensation for her estate for life, in the premises in the county of *Devon*.
26. An act to enable the making of leases and sets of mines of the estates of *Sir Richard Vyvyan* baronet, an infant, in the counties of *Cornwall* and *Devon*, during his minority.
27. An act for selling the manors, advowson, rectory, woods, lands, and hereditaments, devised by the will of *Sir John Williams* knight, deceased, for the purposes therein mentioned; and for laying out the money arising by such sale in the purchase of other lands and hereditaments, to be settled in lieu thereof.
28. An act for discharging the estate of *William Levinz* esquire, in *Bilby*, *Ranby*, and *Stirrop*, in the county of *Nottingham*, from a yearly payment of thirty pounds given by *Sir Creswill Levinz* knight, for charitable uses, and for charging the same on his estate at *Grove* in the same county.
29. An act for vesting the undivided fifth part of divers lands and hereditaments in the county of *Sussex*, the estate of *Ebenezer Marlow*, and *William Marlow* his son, an infant, in trustees, in trust, to sell the same for the purposes therein mentioned.
30. An act for vesting part of the settled estate of *Nathaniel Cotton* doctor in physick, lying in the county of *Hertford*, in trustees, in trust, to sell the same, and to lay out the money arising by such sale in the purchase of another estate to be settled to the uses of his marriage settlement.
31. An act for vesting the inheritance of the real estate late of *John Lockwood* gentleman, deceased, in trustees, for the payment of the incumbrances charged upon the same, by virtue of and under his will.
32. An act for sale of part of the settled estate of *Nicholas Glynn* esquire, deceased, for discharging incumbrances, and for other purposes therein mentioned.
33. An act for vesting the settled estate of *Walter Hawksworth* esquire, in the county of *York*, in him and his heirs, and for settling the manor of *Hawksworth* in the same county, in lieu thereof, to the like uses.
34. An act for disposing of part of the real estate of *William Robinson Lytton* esquire, deceased, directed by his will to be sold for raising portions for his daughters, in order to discharge incumbrances affecting the same, and for other purposes therein mentioned.
35. An act for sale of part of the estate of *Francis Gwyn* esquire, in the county of *Devon*, for raising money to discharge his sisters portions, and other incumbrances affecting the same, and for other purposes therein mentioned.
36. An act for sale of a messuage, and certain freehold and copyhold lands and hereditaments in *Twickenham* in the county of *Middlesex*, the estate of *Mary Middleton* widow, and others, and for vesting the money arising thereby, in trustees, for the same uses to which the said estate now stands settled.

## A TABLE of the STATUTES.

37. An act for inclosing and dividing certain commons and wastes, within the manor and parish of *Watlington* in the county of *Norfolk*.
38. An act to enable *Robert Lynch* esquire, to assume and take upon him the name of *Blosse*.
39. An act for naturalizing *Frederick Christopher Kempe*.
40. An act for naturalizing *Peter Auriol*.
41. An act for sale of several estates in the counties of *Mayo* and *Roscommon*, in the kingdom of *Ireland*, belonging to *Henry* late lord viscount *Dillon*, for payment of debts, and other purposes therein mentioned.
42. An act for selling the settled estate of *Catherine*, commonly called lady *Lymington*, for discharging several debts and incumbrances, and for other purposes therein mentioned.
43. An act for sale of part of the settled estate of *John Raymond*, a bankrupt, and for applying part of the money arising by such sale as part of the said bankrupt's estate, liable to distribution amongst his creditors, and for laying out the residue in the purchase of another estate, to be settled as therein is mentioned.
44. An act for sale of divers lands and tenements in *Twickenham* in the county of *Middlesex*, devised by the will of *Paul Mansfield* deceased, pursuant to an agreement for that purpose, and for the benefit of his grand children.
45. An act for confirming and establishing certain articles of agreement for inclosing and dividing the common fields and common grounds in the tything of *Broad Blunsdon* in the county of *Wilts*, and making the same more effectual for the purposes therein mentioned.
46. An act for annexing the rectory of *Glaston* in the county of *Rutland*, to the office of master or keeper of the house or college of *Saint Peter* in the university of *Cambridge*.
47. An act for authorizing and empowering *Thomas Brixton* esquire, and his heirs, to take and use the surname of *Salisbury*.
48. An act for naturalizing *Emanuel Bowler*.

The END of the TABLE.

# THE STATUTES at Large, &



Anno vicefimo GEORGII II. Regis.

**A**T the parliament begun and holden at Westminster, the first day of December, Anno Dom. 1741, in the fifteenth year of the reign of our sovereign Lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the eighteenth day of November, 1746, being the sixth session of this present parliament.

## C A P. I.

*An act for the further continuing an act made in the last session of parliament, intituled, An act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government.* E X P.

**W**H E R E A S a wicked and unnatural rebellion being begun in that part of this kingdom called Scotland, by divers of his Majesty's subjects, encouraged by his enemies abroad, in order to set a popish pretender upon the throne, to the utter destruction of the protestant religion, and the laws and liberties of this free constitution, an act passed in the last session of parliament, intituled, An act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government; and the said act is thereby declared to continue until the nineteenth day of April, in the year of our Lord one thousand seven hundred and forty six: and whereas one other act passed in the same session of parliament, intituled, An act for continuing an act of this present session of parliament, intituled, *An act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government; whereby it was enacted, That the said first mentioned act, and all and every the clauses, provisions, powers, and authorities therein contained, should continue and remain in full force and vigour, from and after the said nineteenth day of April, for and until the twentieth day of November, in the year of our Lord one thousand seven hundred and forty six, and*

*no longer : and whereas it is neceſſary for the publick ſafety, that the ſaid firſt recited act ſhould be further continued : now, for the better preſervation of his Maſteſty's ſacred perſon, and for ſecuring the peace of this kingdom in this particular conjuncture, againſt all traitorous attempts and conſpiracies whatſoever ; be it enacted, &c.*

*The firſt act continued till 20 Feb. 1746.*

### C A P. II.

*An act for granting an aid to his Maſteſty by a land tax to be raiſed in Great Britain, for the ſervice of the year one thouſand ſeven hundred and forty ſeven. Exp. At 4s. in the pound.*

### C A P. III.

*An act for repealing the ſeveral rates and duties upon houſes, windows, and lights ; and for granting to his Maſteſty other rates and duties upon houſes, windows, or lights ; and for raiſing the ſum of four millions four hundred thouſand pounds by annuities, to be charged on the ſaid rates or duties.*

7 & 8 W. 3.

c. 18.

See 20 Geo. 2.

c. 42.

21 Geo. 2. c. 10.

**W**HEREAS by an act of parliament made and paſſed in the ſeventh and eighth years of the reign of his late maſteſty King William the Third, of glorious memory, intituled, An act for granting to his Maſteſty ſeveral rates or duties upon houſes, for making good the deficiency of the clipped money ; it was amongſt other things enacted, That for and during the term of ſeven years, to commence and be accounted from the twenty fifth day of March, in the year of our Lord one thouſand ſix hundred and ninety ſix, and no longer, there ſhould be charged, levied, and paid unto his ſaid late Maſteſty, his heirs and ſucceſſors, for and upon every dwelling-houſe inhabited, which then was, or that hereafter ſhould be erected within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, the annual or yearly ſums therein mentioned ; that is to ſay,

*For every ſuch dwelling-houſe inhabited, then erected, or which ſhould thereafter be erected, within the ſaid kingdom of England, dominion of Wales, or town of Berwick upon Tweed, the yearly ſum of two ſhillings.*

*And for every ſuch dwelling-houſe inhabited, having ten windows, or more, and under the number of twenty, the ſum of four ſhillings yearly, over and above the ſaid yearly ſum of two ſhillings.*

*And for every ſuch dwelling-houſe inhabited, having twenty windows, or more, the yearly ſum of eight ſhillings, over and above the ſaid yearly ſum of two ſhillings.*

*Which ſaid ſums of money were, by the ſaid act, directed to be charged upon, and paid by the inhabitants or occupiers of ſuch dwelling-houſes, and not the landlords who lett or demised the ſame, and were to be raiſed, levied, collected, answered, and paid unto his Maſteſty, at ſuch times, and in ſuch manner and form, and by ſuch ways and means,*

and under such penalties and forfeitures, and applied to such uses and purposes, as are mentioned and prescribed in the said act: and whereas by one other act passed in the eighth and ninth years of the reign of his said late Majesty, (intituled, An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the publick credit) the said rates and duties granted by the before recited act, were continued until the first day of August, one thousand seven hundred and six; and by one other act passed in the first year of the reign of her late majesty Queen Anne, (intituled, An act for making good deficiencies, and for preserving the publiick credit) the said rates and duties upon houses, granted and continued by the two acts of parliament before recited, were further continued until the first day of August, one thousand seven hundred and ten; and by one other act made and passed in the fifth year of the reign of her said late majesty Queen Anne, (intituled, An act for continuing the duties upon houses, to secure a yearly fund for circulating exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions) the said rates and duties upon houses, granted and continued by the several acts before recited, were made perpetual for the uses and purposes therein mentioned, subject to redemption by parliament, and divers provisions and directions are contained in the several before recited acts, for raising, levying, collecting, and paying the said rates and duties, and for applying the same to the uses and purposes specified in the said acts: and whereas by an act passed in the eighth year of the reign of her said late majesty Queen Anne, (intituled, An act for continuing part of the duties upon coals, culm, and cinders, and granting new duties upon houses having twenty windows or more, to raise the sum of fifteen hundred thousand pounds, by way of a lottery, for the service of the year one thousand seven hundred and ten) it was, amongst other things enacted, That for and during the term of thirty two years, to be accounted from the twenty ninth day of September, one thousand seven hundred and ten, there should be charged, raised, collected, levied, and paid unto her Majesty, her heirs and successors, for and upon every dwelling-house inhabited, that then was, or thereafter should be erected or built within the kingdom of Great Britain, having twenty windows, or more, and under thirty windows, the yearly sum of ten shillings; and for every such dwelling-house having thirty windows, or more, the yearly sum of twenty shillings: which said new or additional duties, as to such houses as are in England, Wales, or the town of Berwick upon Tweed, were directed to be paid by the respective occupiers or inhabitants of such dwelling-houses, over and above the several duties amounting to ten shillings per annum, chargeable upon houses there, by virtue of former acts of parliament in that behalf: and by one other act made and passed in the fifth year of the reign of his late majesty King George the First, of glorious memory, (intituled, An act for redeeming the fund appropriated for payment of the lottery tickets which were made forth for the service of the year one thousand seven hundred

8 & 9 W. 3.  
c. 20.1 Annæ, st. 1.  
c. 13.

5 Annæ, c. 13.

8 Annæ, c. 4.

5 Geo 1. c. 19.

dred and ten, by a voluntary ſubſcription of the proprietors into the capital ſtock of the *South Sea* company; and for raiſing a ſum of money to pay off ſuch debts and incumbrances as are therein mentioned; and for appropriating the ſupplies granted in this ſeſſion of parliament; and to limit times for proſecutions upon bonds for exporting cards and dice) *the ſaid new or additional duties upon houſes were made perpetual, for the uſes and purpoſes therein mentioned, ſubject to redemption by parliament; and divers proviſions and directions are contained in the two laſt recited acts, for the raiſing, managing, collecting, and paying the ſaid additional duties, as in and by the ſaid acts, relation being thereunto had, may more fully appear: and whereas the revenue ariſing by the ſaid ſeveral and reſpective rates and duties upon houſes have for ſome years paſt greatly decreased, and the ſame is ſtill likely to diminish; we your Maſteſty's moſt dutiful and loyal ſubjects, the commons of Great Britain, in parliament aſſembled, think it ſhall be for the advantage of the publick to repeal the preſent rates and duties upon houſes, and in lieu thereof to grant unto your Maſteſty the ſeveral new rates and duties herein after mentioned, as well for ſecuring a certain fund for payment of ſuch incumbrances as are now charged upon the ſaid rates and duties upon houſes, as to enable your Maſteſty to raiſe a certain ſum of money towards the ſupply for the ſervice of the year one thouſand ſeven hundred and forty ſeven; and therefore do moſt humbly beſeech your Maſteſty that it may be enacted, and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of *March*, which ſhall be in the year of our Lord one thouſand ſeven hundred and forty ſeven, all the rates and duties, and additional rates and duties upon houſes, granted, continued, and made perpetual by the ſeveral acts of parliament herein before recited, ſhall ceaſe, determine, and be no longer paid or payable; and that then and from thenceforth all the powers and authorities given or granted by the ſaid ſeveral acts, ſo far as the ſame relate to levying, ſecuring, collecting, or recovering the ſaid rates and duties upon houſes, and all penalties and forfeitures relating thereto, ſhall alſo ceaſe, determine, and not be put in execution; ſave only and except in all caſes relating to the recovering any arrears, which may at that time remain unpaid, of the ſaid rates and duties upon houſes, or to any penalties or forfeitures in reſpect thereof which ſhall have ariſen or grown due and payable to his Maſteſty, or may have been incurred, upon or at any time before the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven; any thing herein before contained to the contrary notwithstanding.*

Amended by 20  
Geo. c. 42.  
21 Geo. 2. c. 10.

The rates upon  
houſes to  
ceaſe from 25  
*March*, 1747.

Arrears, &c.  
recoverable.

The rates laid  
upon houſes  
by this act,

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, there ſhall be charged, raiſed, levied, and paid unto his Maſteſty, his heirs and ſucceſſors,

for, the feveral rates and duties upon houfes, windows, or lights, herein after mentioned; that is to fay,

For and upon every dwelling-houfe inhabited, which now is, or hereafter fhall be erected within that part of *Great Britain* called *England*, the yearly fum of two fhillings.

And for every window or light, in every dwelling-houfe within and throughout the whole kingdom of *Great Britain*, which fhall contain ten, eleven, twelve, thirteen, or fourteen windows or lights, the yearly fum of fix pence for every window or light in fuch houfe.

And for every window or light, in every dwelling-houfe as aforefaid, which fhall contain fifteen, sixteen, feventeen, eighteen, or nineteen windows or lights, the yearly fum of nine pence for each window or light in fuch houfe.

And for every window or light, in every fuch dwelling-houfe as aforefaid, which fhall contain twenty windows or lights, and upwards, the yearly fum of one fhilling for each window or light in fuch houfe as aforefaid.

III. Provided nevertheless, and 'tis the true intent and meaning of this act, that the faid feveral and refpective yearly fums before charged upon every window or light, contained in every dwelling-houfe in *England* as aforefaid, fhall be paid over and above the faid duty of two fhillings upon houfes before mentioned; which faid feveral rates and duties by this act granted as aforefaid, fhall be appropriated to the feveral ufes and purpofes herein after mentioned, fubject nevertheless to the proviso or condition of redemption herein after contained in that behalf.

IV. And be it further enacted by the authority aforefaid, That the faid rates and duties by this act granted as aforefaid, fhall be paid quarterly, at the four moft ufual feafts or days of payment in the year; that is to fay, the feafts of the nativity of Saint *John* the Baptift, Saint *Michael* the Archangel, the birth of our Lord Chrift, the annunciation of the bleffed virgin *Mary*, by even and equal portions; the firft payment thereupon to be made at the feaft of the nativity of Saint *John* the Baptift, which fhall be in the year of our Lord one thoufand feven hundred and forty feven.

V. And be it further enacted by the authority aforefaid, That the rates and duties by this act granted as aforefaid, fhall be charged only upon the inhabitants or occupiers for the time being of the refpective dwelling-houfes, in which fuch windows or lights are contained, his, her, or their executors or administrators refpectively, and not on the landlord who lett or demifed the fame, except in fuch cafe as is in this act hereafter mentioned.

VI. And be it further enacted by the authority aforefaid, That for the better execution of this act, and for the ordering, raifing, collecting, levying, and paying of the feveral fums of money hereby granted, all and every the perfons named or appointed, by this act, fhall be commiffioners for the faid purpofes.



pointed to be commissioners for putting in execution an act of this present session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty seven*) or by any other act or acts of parliament thereby referred unto, or who shall hereafter be named or appointed commissioners for putting in execution any future act or acts of parliament for granting an aid to his Majesty, his heirs or successors, by a land tax in *Great Britain*, shall be commissioners for putting in execution this present act, and the powers therein contained, in all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places <sup>wherever they are</sup> ~~any~~, within *Great Britain* as aforesaid; which said commissioners, in order to the speedy execution of this act, shall, in their respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places for which they are appointed commissioners respectively, meet together at the most usual or common place of meeting, within such of the said counties, shires, stewartries, cities, boroughs, cinque-ports, towns, and places respectively, on or before the eighteenth day of *April*, one thousand seven hundred and forty seven; and in like manner to meet yearly, and every year, at such day or time as shall be appointed for the first general meeting of the commissioners, to be appointed by any future act or acts of parliament for granting an aid to his Majesty by a land tax, or on such other day as the said commissioners shall think proper to appoint before the thirtieth day of *April* yearly; and the said commissioners, or so many of them as shall be present at the first general meeting, or the major part of them, may, by their consents and agreements, divide, as well themselves as other the commissioners not then present for the execution of this act, in hundreds, lathes, wapentakes, rapes, wards, towns, and other places within their limits, privileged or not privileged, in such manner as to them shall seem meet; and shall direct their several or joint precept or precepts to such inhabitants, and such number of them as they in their discretion shall think most convenient to be presentors and assessors, requiring them to appear before the said commissioners, at such time and place as they shall appoint, not exceeding ten days; and at such their appearances, the said commissions, or so many of them as shall meet, shall openly read, or cause to be read unto them, the several rates and duties in this act mentioned, and openly declare the effect of their charge unto them, and how and in what manner they ought and should make their certificates and assessments according to the several rates aforesaid; and shall then and there prefix another day for the said persons to appear before the said commissioners, and bring in their certificates in writing under their hands, to be verified upon their oaths, and not otherwise, of every dwelling-house inhabited and charged by this act, within the limits of those places for which they are to act, and of the number of windows or lights in each house, together with the names and surnames of the

several

Time and place of commissioners meeting.

Commissioners to divide themselves,

and issue precepts to assessors, &c.

Day to be prefixed for bringing certificates, &c.

several occupiers or inhabitants of each respective dwelling-house, and of the several sums of money they ought to pay by virtue of this act, without concealment or favour, upon pain of forfeiture of any sum, not exceeding five pounds, nor less than forty shillings, to be levied as by this act is appointed, and shall also then return the names of two or more able and sufficient persons, within the bounds or limits of those parishes or places where they shall be assessors respectively, to be collectors of the several rates and duties granted to his Majesty by this act, for whose paying unto the receiver general now appointed, or for the time being to be appointed by his Majesty, or by the commission of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury for the time being, his deputy or deputies, in manner following, such money as they shall be charged withal, the parish or place by whom they are so employed shall be answerable; and every the parish answerable for them. Assessors to take the oaths. so as aforefaid appointed or to be appointed, shall, before he take upon him the execution of the said employment, take the oaths mentioned and required to be taken by an act made in the parliament held the first year of the reign of King William and Queen Mary, intituled, *An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*, which oaths any three or more of the commissioners in the county, shire, stewartry, city or place where the said assessment is to be made, have hereby power, and are hereby required to administer, as also all and every such other oaths, as are by this act required to be taken by any officer or person whatsoever.

VII. And be it further enacted by the authority aforefaid, That the rates and duties charged by this act shall be ascertained, and the certificates thereof returned to the said commissioners, on or before the fourth day of June yearly; and upon the delivery and return of such certificates or assessments unto the said commissioners, they, or any three or more of them, shall, at least ten days before any of the rates and duties by this act granted shall become due and payable, issue out and deliver their warrants or estreats, under their hands and seals, to such collectors as aforefaid, for the speedy collecting and levying of the said rates and duties, as they shall respectively become due and payable, and all monies and rates due thereupon, according to the intent and directions of this present act; of all which the said collectors are hereby required to make demand of the parties chargeable therewith, or at the places of their last abode, within ten days after the said duties hereby granted shall respectively become due and payable, and upon payment thereof, to give acquittances under their hands (without taking any thing for such acquittances) unto the several persons who shall pay the same; and that such acquittances shall be a full and perfect discharge to every such person who shall pay the same, against his Majesty, his heirs and successors; and the said collectors are hereby required to pay in all such sums of money as they shall receive, within twenty days after the receipt thereof, at such place

The rates to be ascertained, and certificates returned by 4. June yearly.

Commissioners when to issue their warrants,

and collectors to make demand of the rates, &c.

Collector when to pay in the monies,

Commissioners to hasten the collectors, and to distrain in case of non-payment.

Collectors to give copies of their assessments and collections to the commissioners.

Commissioner to examine the certificates, &c.

and on suspicion of wrong charge, to summon the occupier.

Person summoned not appearing, to pay double rate.

as the commissioners shall appoint, unto the respective receiver general, his deputy or deputies, who are hereby impowered and required to call upon and hasten the collectors to make the said payment; and in default of such payment to levy, by warrant under the hands and seals of any three or more of the commissioners, upon the collectors, by distress and sale of his or their goods and chattels, such sum and sums of money as he hath received, and as ought by him to have been paid, and is not paid by reason of his failure in doing his duty, according to the direction of this act.

VIII. And be it further enacted, That for the better charging the duties arising by this act, the collectors of the said duties shall cause a copy of the respective assessments given to them, and of the collection made by them, for each division, parish, or place for which they were appointed collectors respectively, to be fairly written and signed by them, but with such alterations therein as shall be necessary, by reason of any new houses erected or the number of windows in any house being increased, or by reason of the change of inhabitants or occupiers of any house, or otherwise, or a true duplicate thereof, signed as aforesaid, to be delivered unto three or more of such commissioners for the respective counties, shires, stewartries, ridings, cities, towns, divisions, or places for which they were appointed collectors, respectively, within the space of ten days after the first meeting of the commissioners yearly.

IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall, and they are hereby authorized and required strictly to peruse the certificates or assessments, which by this act are before directed to be annually delivered to them, and also to examine the assessors and presentors thereof; and if the said commissioners, or any three of them, within their several limits or divisions, shall, at the time of the delivery of such certificates or assessments, or within ten days after, have certain knowledge or cause to suspect that any dwelling-house or houses, or the names of any persons which ought to be charged by this act, are omitted in the said certificates, or the full number of windows in any house not set down, or that any dwelling-house is under-charged, or not duly charged, according to the directions of this act, the said commissioners, or any three of them, shall have power to summon the person or persons inhabiting such dwelling-house to appear before them at a day and place to be prefixed, to be examined touching the rates and duties aforesaid, or touching other matters which may any way concern the premises; and if any person or persons summoned to be so examined shall neglect to appear, not having a reasonable excuse for such his default, every person so making default shall pay unto his Majesty double the sum of the rate he should or ought to have been set at: And moreover the said commissioners, to whom such certificates or assessments shall be delivered, or any three of them, or any other three commissioners of the respective counties, shires, or stewartries.

tries, where ſuch aſſeſſment ſhall be made, ſhall have power, and are hereby required, by all lawful ways and means, to examine and enquire into and concerning the number of windows or lights in any dwelling-houſe thereby charged, or of any dwelling-houſe omitted to be charged, and thereupon to enlarge, alter, abate, or diminiſh the ſaid aſſeſſments ſo delivered to the ſaid commiſſioners, ſo that ſuch rate or rates may be ſet and impoſed upon every ſuch dwelling-houſe as ſhall be according to the true intent and meaning of this act, and the ſaid commiſſioners, or any three or more of them, ſhall, after ſuch peruſal and examination thereof, ſet their hands to the ſaid reſpective aſſeſſments, ſignifying their allowance thereof, and ſhall likewiſe nominate and appoint two of the perſons named in the ſaid certificate or aſſeſſment to be collectors, or any other two ſuch perſons as they ſhall think proper and reſponſible, for the reſpective diviſions and places for which they were ſo preſented, and ſhall forthwith deliver, or cauſe to be delivered, ſuch aſſeſſment ſo by them allowed of, unto the reſpective perſons by them nominated to be collectors for the year enſuing, who are hereby ſtrictly enjoined and required to collect and pay the ſeveral rates and duties ſo rated and aſſeſſed, and to give acquittances according to the directions herein before contained for and touching the collectors of the ſaid duties hereby granted, and under the ſeveral penalties and forfeitures hereby inflicted upon collectors for neglect or non-performance of their duty.

Commiffioners to examine into the number of windows charged, and ſettle the rates.

Commiffioners to ſign the aſſeſſments, and nominate collectors.

X. And be it enacted, That the commiſſioners for putting this act in execution, ſhall cauſe true duplicates of the ſaid aſſeſſment, to be made out, within three months at fartheſt after the twenty fifth day of *March* yearly (the appeals being firſt heard and determined) and delivered unto the reſpective receivers general, and alſo tranſmitted into the offices of the King's remembrancer, in the exchequer in *England* and *Scotland* reſpectively, for which duplicates the proper officers ſhall give acquittances gratis, ſo as every of them may be duly charged to answer their reſpective collections and receipts, and that the ſaid duplicates ſhall be made for the ſame hundreds, wards, pariſhes, or places, for which diſtinct duplicates are and have been uſually made out for the land tax; and that in every ſuch duplicate, the ſaid commiſſioners ſhall cauſe to be inſerted the names and ſurnames of the ſeveral aſſeſſors and collectors for every ſuch hundred, ward, pariſh, or place as aforeſaid, and that the reſpective receivers general ſhall pay the ſeveral ſums of money, by them received by virtue of this act, into his Maſteſty's receipt of exchequer, by quarterly payments, upon the ſeveral days herein before appointed for payment thereof, or within forty days after; and in caſe any ſuch receiver general or his deputy, ſhall pay any part of the monies, paid to him or them by any collector by virtue of this act, to any perſon or perſons whatſoever, other than into the receipt of his Maſteſty's ſaid exchequer, and at or within the reſpective times limited by this act (except the neceſſary charges of receiving, levying, managing, paying, and accounting

Commiffioners to give in duplicates to the receiver general.

Duplicates to contain the aſſeſſors and collectors names.

Receivers general to pay the monies quarterly into the exchequer, &c.

accounting for the same, as is herein after directed) then such receiver general shall, for every such offence of himself, or his deputy, forfeit the sum of five hundred pounds to him or them that shall sue for the same in any court of record, by bill, plaint, or information, wherein no essoin, protection, or wager of law is to be allowed; and that if any surveyor of the said rates and duties, appointed or to be appointed as aforesaid, shall knowingly or wilfully, through favour or malice, under-rate or over-rate, or omit to charge any person or persons, liable to the payment of the rates and duties by this act granted, or shall be guilty of any corrupt or illegal practices in the execution of his office, such surveyor shall, for every such offence, forfeit the sum of one hundred pounds, and be dismissed from his said employment.

Penalty 500l.

Surveyors making wrong charges, &c.

to forfeit 100l. &c.

Allowance to the several officers for levying, &c. the taxes.

The rate to be levied by distress, &c.

Houses may be broke open by warrant;

XI. And be it further enacted, That every receiver general shall have an allowance of two pence in the pound, for all monies which shall be by him paid into the receipt of the exchequer, and that every collector shall have three pence in the pound for what money he shall pay to the receiver general, his deputy or deputies; and that for the careful writing and transcribing the said assessments, warrants, estreats, and duplicates in due time, the clerks of the commissioners who shall respectively perform the same, shall, by warrant under three or more of the commissioners hands, have and receive from the respective receivers general, their deputy or deputies, three halfpence in the pound of all such monies as he shall have received by virtue of such warrants or certificates, who is hereby appointed and allowed to pay the same accordingly; provided the said warrants or estreats be made out, and the duplicates delivered to the said receiver general, and into the respective offices of the King's remembrancer, as aforesaid, within the times limited by this act, and not otherwise; and if any person or persons shall refuse to pay the several sum and sums appointed by this act for such person to pay, upon demand made by the officer or collector of the place, according to the precept or estreats to him delivered by the commissioners appointed by this act, it shall and may be lawful to and for such officer and collector, who are hereby thereunto authorized and required, for non-payment thereof, to distrain the person or persons so refusing, by his or their goods or chattels, and the distresses so taken to keep by the space of four days at the costs and charges of the owners thereof; and if the said owners do not pay the respective sums of money due by this act within the said four days, then the said distresses to be appraised by two or more of the inhabitants where the said distress is taken, and there to be sold by the said officer, for payment of the said money, and the overplus coming by the said sale (if any be) over and above the charges of taking and keeping the said distresses, to be immediately restored to the owner thereof; and moreover, it shall and may be lawful to break open (in the day-time) any house upon warrant, under the hands and seals of three or more of the said commissioners, calling to their assistance the constable, tythingman,

tythingman, or headborough, within the counties, shires, stew-tries, cities, towns, and places where any refusal, neglect, or resistance shall be made; which said officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their peril; and if any person or persons appointed to pay any of the duties charged by this act, shall refuse or neglect to pay the said sum or sums so appointed to be paid, by the space of twenty days after demand, as aforesaid, where no sufficient distress can or may be found, whereby the same may be levied, in every such case, three or more of the commissioners by this act appointed, for any such city, county, or place, are hereby authorized by warrant under their hands and seals, to commit such person or persons to the common gaol, there to be kept without bail or mainprize, until payment shall be made.

and for want of distress, the person to be committed.

XII. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall, and they are hereby required to give the collectors of the said rates and duties hereby granted, notice at what time or times, place or places, the appeals of any person or persons, who shall think themselves aggrieved, by being over-rated by the said assessors, may be heard and determined; which day or days of appeal, so to be appointed by the said commissioners, shall be within thirty days from the respective quarterly days by this act appointed for payment of the said rates and duties; and every such collector is hereby also required, within ten days after such notice from the said commissioners, to cause publick notice to be given in every parish church or chapel of ease belonging to any such parish within his district or division, immediately after divine service, on the Lord's day (if any such divine service shall be performed there within that time) of the time and place so appointed by the said commissioners for hearing and determining appeals, as aforesaid; and shall also cause the like notices to be fixed in writing upon the door of each of the said respective parish churches, or chapels of ease belonging to any such parishes, on the same day, that all persons who shall think themselves over-rated may know when and where to make their appeal to the said commissioners; and the said commissioners, or any three or more of them, shall examine the parties complaining, upon his or her oath, concerning the number of windows or lights in the dwelling-house or houses for which he or they is or are respectively charged; and upon due examination or knowledge thereof, shall abate, defalk, encrease, or enlarge the said assessment; and the same so encreased or enlarged, on non-payment thereof, shall be estreated by them into the exchequer in manner aforesaid; and every person so intending to appeal to the said commissioners shall and is hereby required to give notice thereof in writing to one or more of the assessors of the parish wherein he is rated, of such his intention to appeal, that such assessor or assessors may then and there attend to justify the said assessment.

Notice to be given to the collectors of the time and place of appeals.

Collectors to give notice in the church.

Notices to be fixed on the doors of churches.

Commissioners to examine upon oath, &c.

Appellant to give assessors

Appeals once  
heard, to be  
final.

XIII. And it is hereby declared, That all appeals once heard and determined by the ſaid commiſſioners, or any three or more of them, or the major part of them then preſent, on the day or days by them appointed for hearing appeals as aforeſaid, ſhall be final, without any further appeal upon any preſence whatſoever.

No perſons to  
be exempted.

XIV. And be it further enacted by the authority aforeſaid, That no letters patents granted by the King's majeſty, or any of his royal progenitors; or to be granted by his Majeſty to any perſon or perſons, cities, boroughs, or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from ſubſidies, tolls, taxes, aſſeſſments, or aids, ſhall be conſtrued or taken to exempt any perſon or perſons, city, borough, or town corporate, or any the inhabitants of the ſame, from the burden and charge of any ſum or ſums of money granted by this act, and all *Non-obſtantes*, in ſuch letters patents, made or to be made in bar of any act or acts of parliament for the ſupply or aſſiſtance of his Majeſty, are hereby declared to be void and of none effect; any ſuch letters patents, grants or charters, or any claufe of *Non-obſtante*, or other matter or thing therein contained, or any law or ſtatute to the contrary notwithstanding.

Parents, &c.  
of minors  
made liable,  
&c.

XV. And be it further enacted by the authority aforeſaid, That where any perſon or perſons, chargeable with any rates or aſſeſſments by this act impoſed, ſhall be under the age of one and twenty years, in every ſuch caſe the parents, guardians, and tutors of ſuch infants reſpectively, upon default of payment by ſuch infants, ſhall be, and are hereby made liable to, and charged with the payments which ſuch infant ought to have made; and if ſuch parents, guardians, or tutors ſhall neglect or reſuſe to pay as aforeſaid, it ſhall and may be lawful to proceed againſt them, in like manner as againſt any other perſon or perſons making default of payment, as herein before is mentioned; and all parents, guardians, and tutors making payment as aforeſaid, ſhall be allowed all and every the ſums paid for ſuch infants upon his or their accounts.

Collectors, on  
non-payment  
of monies,

XVI. And be it further enacted and declared, That if any collector that ſhall, by virtue of this act, be appointed for the receipt of any ſums of money thereby to be aſſeſſed, ſhall neglect or reſuſe to pay any ſum or ſums of money which ſhall be by him received as aforeſaid, and to pay the ſame as in and by this act is directed, and ſhall detain in his or their hands any money received by them, or any of them, and not pay the ſame at ſuch time as by this act is directed, the commiſſioners of each county, ſhire, ſtewartry, riding, city, or town reſpectively, or any three or more of them, in their reſpective diviſions are hereby authorized and impowered to impriſon the perſon, and ſeize and ſecure the eſtate, as well freehold as copyhold, and all other eſtate, both real and perſonal of ſuch collector to him belonging, or which ſhall deſcend or come into the hands or poſſeſſion of his heirs, executors, or adminiſtrators, whereſoever the ſame can be diſcovered and found; and the ſaid commiſſioners who ſhall

the commiſſioners to com-  
mit the per-  
ſon, and ſeize  
his eſtate.

shall so seize and secure the estate of any collector or collectors, shall be, and are hereby impowered to appoint a time for a general meeting of the commissioners for such county, shire, stewartry, riding, city, town or place, and there to cause public notice to be given of the place where such meeting shall be appointed, ten days at least before such general meeting; and the commissioners present at such general meeting, or the major part of them, in case the monies detained by any such collector or collectors be not paid or satisfied as it ought to be, according to the directions of this act, shall be, and are hereby impowered and required to sell and dispose of all such estates which shall be so seized and secured, or any part of them, to satisfy and pay into the hands of the receiver general the sum that shall be so detained in the hand of such collector or collectors, their heirs, executors, or administrators respectively.

Commissioners to appoint a time of general meeting, &c.

and to make sale of the estates.

XVII. And be it further enacted, That in all privileged and other places being extraparcial, and not within the constabularies or precincts of the respective assessors to be appointed by virtue of this act, the said commissioners, or any three or more of them, shall, and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments, in like manner as by this act is appointed in any parish, tything, or place; and also to appoint two or more collector or collectors, who are hereby required to collect and pay the same, according to the rates appointed by this act, for collecting and paying all sums of money payable by this act.

In privileged places the commissioners to appoint assessors,

and collectors.

XVIII. Provided also, That no person inhabiting in any city, borough, or town corporate, shall be compelled to be an assessor or collector of or for any part of the rates and assessments hereby granted in any place or places out of the limits of the said city, borough, or town corporate.

None obliged to collect, &c. out of the limits.

XIX. And be it further enacted by the authority aforesaid, That the commissioners that shall be within any county, shire, stewartry, city, or place within the respective limits, or the major part of them, shall rate and assess every other commissioner joined with them for or in respect of the rates and duties hereby granted, so as the residence and usual dwelling-place of such commissioner so to be assessed, be within the division of such commissioners by whom he is assessed; and the commissioners within their division shall also assess every assessor, for all and singular the premisses for which by this act he ought to be rated and assessed; and as well all sums assessed upon every the said commissioners and assessors, as assessments made and set by the assessors aforesaid, shall be levied and gathered as the same should and ought to have been, if such persons had not been named commissioners.

Commissioners to assess commissioners and assessors.

XX. Provided also, and be it further enacted, That no stay of prosecution, upon any command, warrant, motion, or order of direction by *Non vult ulterius prosequi*, shall be had, made, ad-

No stay of prosecution

mitted.



and to the  
King double  
the fum.

more than one imparlance; and ſhall alſo forfeit to his Majeſty, his heirs and ſucceſſors, double the ſum that ſhall be ſo unjuſtly certified or returned, or cauſed to be ſet *inſuper*.

Receivers  
chargeable  
with the ar-  
rears of their  
accounts, &c.

XXVI. And it is hereby provided, declared, and enacted by the authority aforeſaid, That no receiver of any the rates and duties granted by this act, or any heirs, executors, or adminiſtrators of ſuch receiver, ſhall, in any accounts of the monies wherewith ſuch receiver ſhall be chargeable (unleſs ſuch account be declared and paſſed in the exchequer, within two years at the fartheſt after the end of the year for which ſuch rates and duties ſhall be payable) be allowed or admitted to ſet *inſuper*, or charge any county, diſiſion, or place, for any monies granted by this act, which ſhall be in arrear and unpaid, but that the ſame ſhall remain a debt upon every ſuch receiver, to be answered by him and his ſecurities, his and their heirs, executors, and adminiſtrators, lands, tenements, goods, and chattels reſpectively; any thing herein contained to the contrary notwithstanding.

Commiſſion-  
ers exempted  
from the pe-  
nalties of 25  
Car. 2. c. 2.

XXVII. And be it further enacted by the authority aforeſaid, That no commiſſioner or commiſſioners, who ſhall be employed in the execution of this act, ſhall be liable for or by reaſon of ſuch execution, to any of the penalties mentioned in an act made the five and twentieth year of King Charles the Second, for preventing of dangers which may happen from popiſh recusants.

Penalties how  
to be levied.

XXVIII. Provided always, and be it enacted, That all penalties and forfeitures, to be incurred for any offences againſt this act, for which there is no particular way of levying herein before preſcribed or appointed, ſhall be levied by warrant under the hands and ſeals of three or more of the reſpective commiſſioners of the diſiſion or place where any ſuch offence was or ſhall be committed, by diſtreſs and ſale of the goods of the offender, rendering the overplus to the owner thereof after a deduction of reaſonable charges for diſtraining the ſame.

Houſes ex-  
empted.

XXIX. Provided always, and be it further enacted and declared, That ſuch dwelling-houſes only where the occupier or occupiers thereof, by reaſon of his, her, or their poverty only is or are exempted from the uſual taxes, payments, and contributions towards the church and poor, ſhall be conſtrued or underſtood to be excepted out of this act, or diſcharged of the rates and duties hereby granted, and that only in ſuch caſes where the dwelling-houſes ſo occupied are cottages, not containing above nine windows or lights in the whole; any thing herein contained to the contrary notwithstanding.

Surveyors and  
inſpectors to  
be appointed.

XXX. And for the better aſcertaining and collecting the ſaid ſeveral rates and duties upon houſes, be it enacted, That it ſhall and may be lawful to and for his Majeſty, his heirs and ſucceſſors, or the ſaid commiſſioners of the treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, from time to time, to conſtitute and appoint ſuch perſon or perſons

ſons as his Maſteſty, his heirs and ſucceſſors, or the ſaid com-  
miſſioners of the treaſury, or high treaſurer for the time being,  
ſhall think meet, to be the officer or officers for the ſurvey and  
inſpection of the rates and duties by this act granted, within the  
ſaid kingdom of *Great Britain*, and for viewing and numbering  
the ſeveral windows or lights in each houſe, and for the inſpec-  
ting and examining the aſſeſſments or certificates thereof, made  
and to be made from time to time in purſuance of this act, and  
doing all things belonging to the ſame; which officers, or any  
of them, ſhall have full power to examine and ſupervize the aſ-  
ſeſſments of the houſes, windows, or lights rated in every  
pariſh and place, as aforeſaid; and at ſeaſonable times, with a  
conſtable, headborough, tythingman, or other officer of the re-  
ſpective pariſhes or places within *Great Britain*, who are hereby  
required to aſſiſt ſuch officers accordingly, to view and examine  
whether there be any more windows than are certified and rated  
in ſuch aſſeſſment, and ſhall have liberty to paſs through any houſe  
or houſes, in order to go into any court, yard, or backſide there-  
unto belonging, and externally to view and inſpect the windows  
or lights in any ſuch houſe or houſes, that cannot be conveni-  
ently ſeen or numbered, without paſſing through ſuch houſe or  
houſes; and ſhall alſo have liberty to make like view, examina-  
tion, and inſpection twice in the year during the continuance  
of this act; and if upon or after ſuch view or examination and  
inſpection of the aſſeſſments, as aforeſaid ſuch officer or officers  
ſhall find that any perſon or premiſſes are under-rated, or not  
rated and charged, as by this act is directed and appointed, ſuch  
officer or officers ſhall certify the ſame to the ſaid commiſſioners,  
or any three or more of them, within the diſviſion, hundred,  
pariſh, or place wherein ſuch neglect or failure ſhall happen to  
be, which ſaid commiſſioners, or any three or more of them,  
ſhall and are hereby required to cauſe ſuch rate or rates to be ſet  
upon every ſuch perſon and premiſſes as ſhall be according to  
the true intent and meaning of this preſent act.

XXXI. And be it alſo enacted and declared, That where A houſe inha-  
bited by a fa-  
milies how  
taxable. any houſe ſhall be inhabited by two or more perſon or perſons,  
or family or families, ſuch houſe ſhall nevertheleſs be ſubject to,  
and ſhall in like manner pay the rates and duties charged on  
houſes, windows, or lights, by this act, as if ſuch houſe was  
inhabited by one perſon or family only.

XXXII. Provided always, That each diſtinct chamber or Appartments  
apartment, in any college or hall in any of the univerſities of in colleges,  
*Great Britain*, ſhall be ſubject to the ſame rates or duties as if  
it were an entire houſe paying to church and poor.

XXXIII. And be it enacted and declared by the authority Inns of court,  
&c. aforeſaid, That every edifice in any of the inns of court or  
*Chancery*, being ſeverally in the tenure or occupation of any per-  
ſon or perſons, ſhall be ſubject to the ſame rates and duties for  
the number of windows therein, as if it were an intire houſe;  
and every houſe, whereof the keeping only is committed or to the care of  
ſervants. left to the care or charge of any perſon or ſervant, who doth not  
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pay to the church and poor, ſhall be ſubject to the like rates and duties, for the windows or lights therein, as if it were inhabited by the occupier, or by a tenant, and to be paid by the reſpective occupiers or tenants of the ſame.

Arrears of collectors to be re-aſſeſſed.

XXXIV. And be it further enacted by the authority aforeſaid, That in caſe there ſhall be any arrear of the ſaid rates or duties on houſes, windows, or lights, by reaſon of the failure of any ſuch collector or collectors, as aforeſaid, for which any pariſh or place ſhall be answerable, it ſhall and may be lawful to and for any three or more of the commiſſioners for the ſaid rates and duties, to cauſe ſuch arrear to be re-aſſeſſed within the ſaid pariſh or place reſpectively, on all ſuch houſes, windows, or lights, as are liable to the payment of the ſaid rates and duties, and to cauſe the ſame to be raiſed, and (for default of payment) to be levied by ſuch ways and means, as the rates and duties on houſes, windows, or lights, are by this act directed to be raiſed and levied in ſuch pariſhes or places reſpectively, and to cauſe the money ſo raiſed or levied to be paid to the receiver general of the ſaid rates and duties, or into the exchequer, for the reſpective uſes and purpoſes whereunto ſuch arrears (if they had been duly paid by the ſaid collectors) are hereby appropriated.

In what caſes landlords are liable.

XXXV. And be it enacted and declared by the authority aforeſaid, That where any dwelling-houſe is or ſhall be lett in different apartments, to ſeveral perſons, and the landlord of ſuch houſe pays other taxes and pariſh rates for the ſame, ſuch landlord ſhall be deemed and taken to be the occupier of ſuch dwelling-houſe, and be charged with, and liable to pay the ſaid rates and duties for the ſame, as one entire houſe.

Collectors gathering by a falſe book, &c.

XXXVI. And be it enacted by the authority aforeſaid, That no collector or collectors of the ſaid rates and duties by this act granted, ſhall collect or gather the ſame by any rate or book, other than ſuch rate and book as ſhall be ſigned and allowed by the ſaid commiſſioners as aforeſaid; and that in caſe any ſuch collector or collectors ſhall collect the ſame by any other rate or book, or ſhall receive ſuch rates and duties from any perſon or perſons not charged therewith, or ſhall collect from any perſon or perſons more money than is actually charged in ſuch rate or book, and not pay the whole money by him collected, or fraudulently alter any ſuch rate or book, after the ſame hath been ſigned and allowed by the ſaid commiſſioners as aforeſaid; every ſuch collector or collectors ſhall, for every ſuch offence, forfeit the ſum of twenty pounds, to be levied as by this act is directed.

forfeit 20 l.

Surveyors to examine, &c. the rates before ſigned by commiſſioners.

XXXVII. And be it further enacted by the authority aforeſaid, That the ſurveyors appointed or to be appointed as aforeſaid, for the ſaid rates and duties, ſhall be, and they are hereby empowered to inſpect and examine the rates and aſſeſſments for any pariſh or place, before the commiſſioners ſhall have ſigned and allowed the ſame, and to alter, and amend ſuch rates and aſſeſſments, if he or they ſhall ſee juſt cauſe for ſo doing; and if any ſuch ſurveyor or ſurveyors ſhall, after the ſaid rates or aſſeſſments

assessments are signed and allowed as aforesaid, find, or discover upon his or their survey, that any dwelling-houses, windows, or lights, which should and ought to be charged with the said rates and duties, have been omitted to be charged therewith, or <sup>Omissions afterwards to be certified by way of surcharge.</sup> are under-rated, such surveyor or surveyors shall certify the same in writing under his hand, by way of surcharge, to any three or more of the said commissioners, in order to have such omission or under-rate certified in the said assessment; and such commissioners are thereupon to cause the same to be rectified, and the said rates and duties levied accordingly.

XXXVIII. And to obviate any doubts which may arise about the charging of windows or lights, within the meaning of this act, when two or more windows or lights are fixed in one frame; it is further enacted, That when a partition or division between such windows or lights, or shall be of the breadth or space of <sup>Windows in frames how to be charged.</sup> twelve inches, the window or light on each side of such partition or division, shall be deemed as a distinct window or light, and be rated accordingly; and that all windows in frames which are or shall be extended so far as to give light into more rooms than one, such windows shall be reckoned and charged as so many separate windows, as there are rooms enlightened thereby.

XXXIX. And whereas it hath been found by experience, that the duties upon houses granted by former acts of parliament, have been greatly lessened by means of persons frequently stopping up windows or lights in their dwelling-houses, in order to evade the payment of the said duties, and opening the same again; it is hereby further enacted, That if any occupier of any dwelling-house shall open <sup>Windows opened without notice given,</sup> any windows or lights which have been stopped up as aforesaid, after the assessments are settled, and the warrants for collecting the said rates and duties are signed by the said commissioners, without first giving, or causing to be given notice thereof in writing to the surveyor of the said rates and duties, every such occupier or occupiers of such dwelling-house or houses, shall forfeit the sum of twenty shillings for each respective window <sup>Penalty.</sup> or light opened as aforesaid; to be levied as by this act is directed.

XL. And whereas it hath often happened, that several assessments, and duplicates of the duties on houses, granted by the said before recited acts of parliament, have not been made out in due time, to the prejudice of the said revenue, for want of a sufficient number of acting commissioners in the parishes or places where such assessments or duplicates ought to have been made; it is hereby further enacted, <sup>Commissioners in the neighbourhood to sign assessments,</sup> That in all such cases, it shall and may be lawful to and for the said commissioners, appointed for putting this act in execution, living in any neighbouring parish or place within the same county, and they are hereby impowered, to make out and sign such assessments or duplicates, which are or shall be wanting for any such parishes or places as aforesaid.

XLI. And whereas it may frequently happen, that persons quitting their dwelling-houses, may remove to other parishes or places, without first discharging or paying the rates and duties charged upon <sup>him,</sup>

Tax how re-  
coverable  
where the oc-  
cupier re-  
moves

*him, her, or them for the house or houses they so quitted, whereby the said rates and duties by this act granted will be lost, unless such person or persons so removing can after such removal be compelled to pay the same*; it is hereby enacted and declared, That the commissioners acting by virtue of this act, within such parish or place where such rates and duties are charged upon, and unpaid by the person or persons removing as aforesaid, shall sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person or persons making such default of payment shall happen to reside; which commissioners, or any three or more of them, shall and are hereby impowered to raise and levy the said rates and duties charged upon the party or parties removed as aforesaid, and cause the monies so raised and levied, to be paid to the collectors of the parish or place from whence the said person or persons did or shall remove, so as the same may be paid and applied according to the true intent and meaning of this act.

Officers to  
take instruc-  
tions from the  
treasury.

XLII. And be it further enacted by the authority aforesaid, That the said surveyors, and all other officers and persons who shall be employed in the execution of this act, shall observe and follow such orders, instructions, and directions, as they shall, from time to time, receive from the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, for the better execution of the powers and authorities by this act granted.

Treasury to  
appoint sala-  
ries.

XLIII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies, from time to time, arisen or to arise, of or for the said rates and duties on houses, windows, or lights, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to settle and appoint such salaries and allowances for the service, pains, and labour of the surveyors and other officers to be employed in the execution of this act, and otherwise in relation thereto; and also to discharge such incident charges and expences as shall necessarily attend the execution of this act, as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think fit and reasonable in that behalf.

Book of entry  
to be kept.

XLIV. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of exchequer at *Westminster*, a book or books, in which all the monies, hereby appointed to be paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said monies, so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes hereafter mentioned.

XLV. And

XLV. And be it further enacted by the authority aforesaid, That all and every the annuities, which by this act shall be granted and made payable, in respect of the principal sum of four millions, to be raised in such manner and form as is herein after directed, as also of the additional capital of ten pounds, herein after directed to be added to every one hundred pounds, advanced towards raising the said sum of four millions, until redemption thereof by parliament, shall be charged, and chargeable upon, and payable out of the several rates and duties by this act granted to his Majesty; and the said several rates and duties shall be and are hereby appropriated for that purpose accordingly.

Appropriation of this fund.

XLVI. And whereas several persons, natives or foreigners, bodies politick or corporate, have subscribed and agreed to advance the said sum of four millions for the publick service, for the purchase of annuities after the rate of four pounds per centum per annum; and the said subscribers or contributors have, in pursuance of a resolution of the commons of Great Britain in parliament assembled, deposited with the first or chief cashier or cashiers of the governor and company of the bank of England for the time being, the sum of ten pounds per centum in part of the principal sums by them respectively subscribed as aforesaid, and are desirous to pay the remaining principal sums by them subscribed, towards raising the said sum of four millions, at such times, and in such manner as shall be appointed in that behalf; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and every such contributor or contributors, who have already deposited with the said cashier or cashiers of the said governor and company of the bank of England, the said sum of ten pounds per centum as aforesaid, to advance and pay unto the said cashier or cashiers, at or before the respective days or times, and in the proportions herein after by this act limited in that behalf, the remaining principal sums by them subscribed towards the said sum of four millions, for the purchase of any certain annuity or annuities, to commence from the feast of Saint Michael the archangel, which shall be in the year of our Lord one thousand seven hundred and forty seven, and to be paid and payable to such contributor or contributors, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, in manner herein after mentioned; which annuities before mentioned shall be computed at the rate of four pounds per annum for every one hundred pounds, and proportionably for any greater or less sum so to be advanced and paid; and the remaining purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid unto the said cashier or cashiers aforesaid, at or before the respective days or times herein after limited; that is to say, one tenth part thereof on or before the seventeenth day of February, one thousand seven hundred and forty six; one fifth part thereof on or before the seventeenth day of March then next ensuing; one other fifth part thereof on or before the nineteenth day of May then next ensuing; one other fifth

Subscribers allowed 4 l. per cent. interest.

Annuities when to commence.

Times, &c. for paying the purchase-money.

fifth part thereof on or before the fourteenth day of *July* then next ensuing; and the remaining fifth part thereof on or before the twenty second day of *September* then next following: all which annuities, so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feasts of the annunciation of the blessed *Virgin Mary*, and of Saint *Micbael* the Archangel, by even and equal portions, or within six days after every of the said feast days; the first payment thereof to be due and payable at the feast day of the annunciation of the blessed *Virgin Mary*, which shall be in the year of our Lord one thousand seven hundred and forty eight, or within six days after the said feast day; nevertheless, the said annuities shall be redeemable according to the purport and true meaning of a proviso or condition, herein after mentioned in that behalf, and not otherwise; and the said cashier or cashiers of the said governor and company of the bank of *England* for the time being, is and are hereby authorized and required forthwith to give receipts in writing, signed by himself or themselves, to such contributor or contributors, for all sums of money by them deposited with, or paid unto such cashier or cashiers before the passing of this act; as also for such other sum or sums of money as shall hereafter be advanced and paid to him or them by any such contributors or payers thereof as aforesaid (which receipts shall be assignable by endorsement thereupon made at any time before the twenty second day of *September*, one thousand seven hundred and forty seven, and no longer;) provided the said cashier or cashiers do first give security to the good liking of any three or more of the commissioners of the treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, all the monies which he or they have already received, or shall hereafter receive, from time to time, of or for the said sum, not exceeding four millions, as fast as he or they shall receive the same, or any part thereof, and to account for all the monies so to be advanced and paid to him or them, in his Majesty's court of exchequer, according to the due course thereof.

Annuities redeemable.

Cashier of the bank to give receipts.

Receipts to be assignable.

Cashier to give security.

Book to be kept for entering contributors names, &c.

Contributors to be credited with an additional capital of 10 l. for every 100 l.

XLVII. And it is hereby enacted, That in the office of the accomptant general of the governor and company of the bank of *England* for the time being, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be contributors for such annuities, after the rate of four pounds *per centum per annum* as aforesaid, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid; and the said accomptant general is hereby also authorized and required, upon the full payment of the sum of four millions to the said cashier or cashiers by such contributors as aforesaid, forthwith to place to the credit of every such contributor, in the same book or books as are herein before directed to be provided by the said accomptant general, for entering the names of all such

con-

contributors, and the fums by them paid for the purchafe of the faid annuities, an additional capital of ten pounds, to be added to every fum of one hundred pounds, by them refpectively advanced for the purpofes aforefaid, and fo in proportion for a greater or leffer fum; which faid additional capital fhall be attended with annuities after the rate of four pounds *per centum per annum*, and fhall be charged upon, and paid out of the faid rates, and duties by this act granted, at the fame feaft days, and in the fame manner, as the annuities herein before made payable, in refpect of the faid principal fum of four millions, are to be paid and payable, and fubject alfo to the fame provifo of redemption by parliament herein after contained in that behalf; and it fhall and may be lawful for the faid refpective contributors, their executors, administrators, fucceffors, and affigns, from time to time, and at all feafonable times, to have refort to, and infpect the faid book or books without any fee or charge; and the faid accountant general for the time being fhall, on or before the twenty fourth day of June, one thoufand feven hundred and forty nine, tranfmit an attefted duplicate, fairly written on paper, of the faid book or books, into the office of the auditor of the receipt of his Majefty's exchequer, there to remain for ever.

to carry 4 l.  
per cent. in-  
terest.

Contributors  
to infpect the  
books gratis.

Duplicate of  
the book to be  
in the exche-  
quer.

XLVIII. And it is hereby enacted by the authority aforefaid, That all and every contributor and contributors upon this act, duly paying the whole confideration or purchafe-money, at the rate aforefaid, at or before the refpective days and times in this act limited in that behalf, for fuch annuity or annuities as aforefaid, or fuch as he, fhe, or they fhall appoint, his, her, or their refpective executors, administrators, fucceffors, and affigns, fhall have, receive, and enjoy, and be intituled by virtue of this act, to have, receive, and enjoy, the refpective annuity and annuities fo to be purchafed, together with the annuity or annuities made payable by this act, in refpect of the faid additional capital as aforefaid, out of the monies by this act appropriated or appointed for payment thereof as aforefaid, and fhall have good and fure eftates and interefts therein for ever, fubject only to the provifo or condition of redemption in this act afterwards contained concerning the fame; and that all the feveral and refpective annuities, payable in purfuance of this act, after the rate of four pounds *per centum per annum*, on all and every the principal fums for which the fame are payable, fhall be free from all taxes, charges, and impositions whatfoever.

Annuities en-  
fured to the  
contributors,

free from  
taxes.

XLIX. And it is hereby provided and enacted by the authority aforefaid, That all and every perfon or perfons who fhall become interefted in, or intituled to any annuity or annuities, part of the faid fum of four millions fubfcribed for in purfuance of this act, who fhall, before the paffing of this act, have advanced or paid, or fhall hereafter advance and pay to the faid cashier or cashiers, the whole or any part of the remaining purchafe-money, payable in refpect thereof, before any of the refpective days or times herein limited or appointed for payment thereof,

Monies paid  
before the  
times limited,



to carry 5 l.  
per cent. in-  
terest.

On payment  
of the whole  
purchase mo-  
ney,

the annuities  
to be trans-  
ferrable.

Contributors  
not paying  
within the  
times limited,

to forfeit the  
sum advanced.

Chief cashier  
and accomp-  
tant general  
to be appoint-  
ed.

thereof, ſuch perſon or perſons ſhall be allowed intereſt after the rate of five pounds *per centum per annum*, for all and every ſuch ſum and ſums of money as ſhall be ſo advanced and paid to ſuch caſhier or caſhiers, by any ſuch contributors as aforeſaid, from the reſpective time or times of their actual payment thereof, ~~to~~ *Michaelmas*, one thouſand ſeven hundred and forty ſeven; and the commiſſioners of his Majeſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, are hereby authorized and required to cauſe the ſaid intereſt to be paid upon ſuch reſpective ſums as ſhall be ſo advanced accordingly, out of the monies to be contributed in purſuance of this act; and in caſe any ſuch perſon or perſons ſhall con-  
pleat the payment of the whole purchase money, payable for any ſuch annuities, he, ſhe, or they ſhall have ſuch reſpective ſums as they ſhall become intereſted in, or intituled unto, forth- with placed to the credit of the ſaid contributors, and made transferrable in the books of the bank of *England*, by this act appointed to be kept for that purpoſe.

L. Provided, That in caſe any ſuch contributors as afore- ſaid, who have already depoſited with the ſaid caſhier or caſhiers, one tenth part of his, her, or their purchase-money, or his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, do not advance and pay to the ſaid caſhier or caſhiers, one other tenth part of his, her, or their conſideration-money, ſo to be paid for ſuch reſpective annuity or annuities as aforeſaid, on or before the ſeventeenth day of *February*, one thouſand ſeven hun- dred and forty ſix; and one fifth part thereof, on or before the ſeventeenth day of *March*, then next enſuing; and one other fifth part thereof on or before the nineteenth day of *May*, then next enſuing; and one other fifth part thereof, on or before the fourteenth day of *July*, then next enſuing; and the remaining fifth part thereof on or before the twenty ſecond day of *September*, then next following; then and in every ſuch caſe reſpectively, ſo much of the conſideration-money as ſhall have been actually paid in part thereof only to the ſaid caſhier or caſhiers for ſuch reſpective annuity, ſhall be forfeited for the benefit of the publick; any thing in this act contained to the contrary notwithstanding.

LI. And for the more eaſy and ſure payment of the ſeveral annuities by this act authorized to be purchaſed as aforeſaid, amounting in the whole to the ſum of four millions, as alſo of the ſeveral annuities payable in reſpect of the ſaid additional capital, it is hereby further enacted by the authority aforeſaid, That the ſaid governor and company of the bank of *England*, and their ſucceſſors, ſhall from time to time, until the ſaid ſe- veral and reſpective annuities, after the rate of four pounds *per centum per annum*, ſhall be redeemed according to this act, appoint and employ one or more ſufficient perſon or perſons, within their office in the city of *London*, to be their chief caſhier or caſhiers, and one other ſufficient perſon, within the ſame office, to be their accomptant general; and that ſo much of the monies, from time

to the arising into the said receipt of the exchequer, for the said rates and duties by this act appropriated for this purpose as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs, or successors for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, from time to time, at the respective half-yearly feast days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the Bank of England, and their successors for the time being, by way of imprest, and upon account, for the payment of the said several and respective annuities to be purchased upon this act, as of the annuities payable in respect of the said additional capital as aforesaid, at such time, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier or cashiers, to whom the said monies shall from time to time be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding:

Monies for the annuities to be issued from the exchequer, &c.

Cashiers to make payments.

LII. And it is hereby also enacted, That the said accountant general for the time being, shall from time to time inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said several and respective annuities, after the rate of four pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendable to the heir, and shall not be liable to any foreign attachment by the custom of London, or otherwise; any law, statute, or custom to the contrary notwithstanding.

Accountant-general to inspect the cashiers receipts.

Annuities to be a personal estate, &c.

LIII. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed, or to which any person or persons shall become intitled to upon this act, for or towards the said sum, not exceeding four millions, together with the additional capital of ten pounds, herein before directed to be added to every one hundred pounds advanced by such contributors, shall be deemed, reputed, and taken to be one capital or joint-stock, on which the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be attending; and that all and every person and persons and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled, as aforesaid, upon this act, shall have, and be deemed to have, a proportional interest and share in the said stock, and in the annuity attending

The monies contributed to be a joint stock, &c.

- transferrable. attending the ſame, at the rate aforeſaid ; and that the ſaid whole capital or joint ſtock, or any ſhare or intereſt therein, and the proportional annuity attending the ſame, ſhall be assignable and transferrable as this act directs, and not otherwiſe ; and that there ſhall conſtantly be kept, at all ſeaſonable times, in the office of the ſaid accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the ſaid whole capital or joint ſtock, or any part thereof, and the proportional annuity attending the ſame, at the rate aforeſaid, ſhall be entered and regiſtered ; which entries ſhall be conceived in proper words for that purpoſe, and ſhall be ſigned by the parties making ſuch assignments or transfers, or if ſuch parties be abſent, by his, her, or their attorney or attornies thereunto lawfully authorized, in writing under his, her, or their hands and ſeals, to be attested by two or more credible witneſſes ; and that the perſon or perſons to whom ſuch transfer ſhall be made do under-write his, her, or their acceptance thereof ; and that no other method of assigning or transferring the ſaid ſtock, and the annuities attending the ſame, or any part thereof, or any intereſt therein, ſhall be good or available in law.
- Book to be kept for transfers.
- Entries to be ſigned by the parties transferring and accepting.
- Annuities deviſible, &c.
- In default of deviſe, &c. to executors.
- The bank to continue a company till redemption of the annuities.
- No fee for payment of contribution-money.
- Transfers to be gratis.
- LIV. Provided always, That any perſon or perſons poſſeſſed of ſuch ſtock, with the annuity or annuities attending the ſame, or any eſtate or intereſt therein, may deviſe the ſame by will in writing, attested by two or more credible witneſſes ; but that ſuch deviſee ſhall receive no payment thereupon, till ſo much of the ſaid will, as relates to the ſaid ſtock or annuity, be entered in the ſaid office ; and in default of ſuch transfer or deviſe, the ſaid ſtock, and annuities attending the ſame, ſhall go to the executors or adminiſtrators ; and that no ſtamp duties whatſoever ſhall be charged on the ſaid transfers or any of them ; any other law or ſtatute to the contrary notwithstanding.
- L.V. Provided always, and it is hereby enacted by the authority aforeſaid, That the ſaid governor and company of the bank of *England*, and their ſucceſſors (notwithstanding the redemption of all or any their own funds, in purſuance of the acts for eſtabliſhing the ſame, or any of them) ſhall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purpoſes in this act expreſſed, till all the annuities to be purchaſed on this act ſhall be redeemed by parliament, according to the proviſo herein after contained in that behalf ; and the ſaid governor and company, or any members thereof, ſhall not incur any diſability, for or by reaſon of their doing any matter or thing in purſuance of this act.
- L.VI. And it is hereby enacted by the authority aforeſaid, That no fee or gratuity whatſoever ſhall be demanded or taken of any of his Maſteſty's ſubjects for receiving or paying the ſaid contribution-monies, or any of them, or for any tallies or other receipts concerning the ſame, or for iſſuing the monies for paying the ſaid ſeveral annuities, or any of them ; and that no fee or gratuity ſhall be demanded or taken for any transfer of any ſum

sum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved; to be recovered with full Penalty. costs of suit, in any of his Majesty's courts of record at *Westminster*.

LVII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized to settle and appoint such allowances (out of the contributions to the annuities granted by this act) as they shall think just and reasonable, for the service, pains, and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving and accounting for the said contributions; and also such further allowances (out of the said several rates and duties by this act appropriated) as they shall think just and reasonable, for receiving, paying, and accounting for the several and respective annuities payable in respect thereof; and also for the service, pains, and trouble of the accomptant general of the said governor and company for performing the duty and trust incumbent on him by this act: all which allowances hereby impowered to be made as aforesaid, in respect of the service, pains, and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

LVIII. *And whereas the said duties upon houses granted by the first herein recited act of the seventh and eighth years of the reign of his late majesty King William the Third, are (together with sundry other duties and revenues, commonly called The general or aggregate fund) charged with, and liable to pay several annuities and other payments, to several corporations and other persons intitled thereunto; and it may so happen, that by repealing the said rates and duties upon houses, the funds charged with the payments aforesaid may prove deficient: and whereas by a medium of five years, computed from the twenty ninth day of September, one thousand seven hundred and forty one, the sum of ninety one thousand four hundred eighty five pounds, and six pence three farthings, is taken to have been the annual produce of the said rates and duties upon houses to the said fund, towards answering the several payments aforesaid: to the end therefore that no person or persons, bodies politick or corporate whatsoever, who are intitled to any part, share, or interest in the monies arising by the said rates and duties upon houses, may be losers, or receive any prejudice by the repealing thereof as aforesaid; be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March, one thousand seven hundred and forty seven, there shall be reserved and set apart, at the exchequer, and applied to the said General or Aggregate fund in the first place, out of the monies to arise into the said receipt, the aggregate* *of fund.*

91,485 l 6 d.

three far-

things to be

set apart for

annuities on

the aggregate

of or for the rates and duties by this act granted, the yearly ſum of ninety one thouſand four hundred eighty five pounds, and ſix pence three farthings, being the aforeſaid medium of what hath been annually produced to the ſaid *General or Aggregate fund*, by the ſaid rates and duties upon houſes, by this act repealed as aforeſaid, towards payment of the ſeveral annuities, and other payments charged on the ſaid fund; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

The ſurplus  
monies how  
to be applied.

LIX. And be it further enacted by the authority aforeſaid, That after reſerving, or ſetting apart the ſaid yearly ſum of ninety one thouſand four hundred eighty five pounds, and ſix pence three farthings, herein before directed to be applied to the ſaid *General or Aggregate fund*, out of the ſaid rates and duties by this act granted as aforeſaid, all the reſt and reſidue of the monies ariſing into the exchequer of or for the ſaid rates and duties, ſhall, from time to time, be iſſued and applied to ſatisfy and pay the ſeveral and reſpective annuities, and other charges by this act charged upon and made payable out of the ſame, at ſuch times, and in ſuch manner, as is herein before directed in that behalf, until redemption thereof by parliament as aforeſaid.

LX. And whereas a certain annuity, or yearly ſum of ſeventy four thouſand three hundred thirty four pounds, and eleven pence, is now charged upon, and payable to the South Sea company, out of the rates and duties upon coals, culm, and cinders, and the ſaid additional rates and duties upon houſes, granted by the before recited act of the eighth year of the reign of her ſaid late majeſty Queen Anne: and whereas it may ſo happen, that by the repealing the ſaid additional rates and duties upon houſes, the monies ariſing by the ſaid duties upon coals, culm, and cinders only, may not be ſufficient to answer and pay the ſaid annuity, or yearly ſum of ſeventy four thouſand three hundred thirty four pounds, and eleven pence, to the ſaid company; and it being juſt and reaſonable, that provision ſhould be made by this act, for making good any ſuch deficiency that may happen therein, be

Deficiencies of  
the fund for  
payment of  
the annuity of  
74,334 l. 11 s. d.  
to the South  
Sea company,

it therefore enacted and declared by the authority aforeſaid, That if the monies ariſing into the receipt of his Majeſty's exchequer, of or for the ſaid duties upon coals, culm, and cinders, as aforeſaid, ſhall at any time or times, from and after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, be ſo low or deficient, as not to answer and pay to the ſaid *South Sea company* the ſaid annuity or yearly ſum of ſeventy four thouſand three hundred thirty four pounds, and eleven pence, charged thereupon as aforeſaid; in all and every ſuch caſe and caſes, it ſhall and may be lawful to and for the ſaid commiſſioners of his Majeſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, and they are hereby reſpectively authorized and required to cauſe ſuch deficiencies, as ſhall, from time to time, happen in the produce of the ſaid rates and duties upon coals, culm, and cinders, to be made good out of any monies ariſen or to ariſe into the ſaid receipt of exchequer, of or for the rates and duties by this act granted (except

to be made  
good out of  
theſe duties.

cept ſuch monies as are or ſhall be reſerved and ſet apart for the uſe and purpoſe herein before mentioned.)

LXI. Provided always, That whatever monies ſhall be iſſued out of the ſaid rates and duties by this act granted, for making good any ſuch deficiencies as aforeſaid, the ſame ſhall be replaced by and out of the firſt ſupplies to be granted in parliament, next after ſuch deficiency ſhall have been made good; any thing herein before contained to the contrary in any wiſe notwithstanding. The monies to be replaced.

LXII. And it is hereby enacted by the authority aforeſaid, That if at any time or times, the produce of the ſaid rates and duties by this act granted, as aforeſaid, ſhall happen to be ſo low or deficient, as that the monies ariſing thereon into the exchequer, ſhall not be ſufficient to pay and diſcharge the ſeveral and reſpective annuities, and other charges by this act directed to be paid thereout, at the end of either of the reſpective half yearly days of payment, at which the ſame are hereby directed to be paid, then, and ſo often, and in every ſuch caſe, ſuch deficiency or deficiencies ſhall or may be ſupplied out of the overplus monies that ſhall or may happen to ariſe, and be paid into the exchequer in any ſubſequent half-years, as the ſaid ſeveral and reſpective annuities ſhall, from time to time, become due and payable; and in caſe ſuch overplus monies ſhall not be ſufficient to ſatisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every ſuch caſe the deficiencies ſo from time to time happening, ſhall from time to time be answered, and made good out of the firſt ſupplies which ſhall be granted in parliament next after ſuch deficiencies ſhall appear; and in caſe no ſuch ſupplies ſhall be granted within fix months next after ſuch deficiencies ſhall happen, then the ſame ſhall be made good out of any the monies which at any time or times ſhall be or remain in the receipt of the exchequer, of the ſurpluſſes, exceſſes, or overplus monies commonly called *The ſinking fund* (except ſuch monies of the ſaid ſinking fund as are appropriated to any particular uſe or uſes by any former act or acts of parliament in that behalf) and ſuch monies of the ſaid ſinking fund ſhall, and may be, from time to time, iſſued and applied accordingly. Deficiencies of theſe duties, &c. how to be made good.

LXIII. Provided always, and be it enacted by the authority aforeſaid, That whatever monies ſhall be ſo iſſued out of the ſaid ſinking fund, ſhall from time to time be replaced by and out of the firſt ſupplies, to be then after granted in parliament. Sinking fund to be replaced.

LXIV. Provided always, and be it enacted by the authority aforeſaid, That in caſe there ſhall be any ſurplus or remainder of the monies, ariſing by the ſaid rates and duties, after the ſaid ſeveral and reſpective annuities, and other payments or charges by this act directed to be paid thereout, and all arrears thereof are ſatisfied, or money ſufficient ſhall be reſerved for that purpoſe, ſuch ſurplus or remainder ſhall, from time to time, be reſerved for the diſpoſition of parliament, and ſhall not be iſſued but by authority of parliament, and as ſhall be directed by any future Surplus how to be applied.

Clause of redemption.

ture act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding.

LXV. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice, to be printed in the *London Gazette*, and affixed upon the *Royal Exchange of London*, by authority of parliament, at any of the half-yearly feast days, for payment of the said several and respective annuities, and upon repayment by parliament of the principal sum of four millions, and also upon payment of the said additional capital of four hundred thousand pounds, amounting together to the principal sum of four millions four hundred thousand pounds, for which the said respective annuities are payable to such respective persons or corporations as shall be entitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said several rates and duties by this act granted, as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this, or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange of London*, as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

General issue.

LXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained; such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

Treble costs.

#### CAP. IV.

An act to continue, explain, and amend an act made in the last session of parliament, intituled, *An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.*

*Amendment of 19 Geo. 2. c. 5.*

#### CAP. V.

An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry in that part of Great Britain called Scotland; and for applying a certain sum of money therein mentioned, towards the supply for the service of the year one thousand seven hundred and forty seven.

## CAP. VI.

An act to continue and make more effectual two acts of parliament; one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the first year of the reign of his present Majesty, for repairing the highways between the Bear Inn in Reading and Puntfield in the county of Berks; and for amending other roads in the last act mentioned.

*The acts 12 Ann. and 1 Geo. 2. c. 7. continued for 21 years.*

## CAP. VII.

An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for repairing the roads leading from the western part of the parish of Shenfield, to Harwich in the county of Essex, and the road leading from Chelmsford in the said county, to Sudbury in the county of Suffolk, and from Margreting to Malden in the county of Essex, and from Colchester to Langham in the same county*; and for repairing other roads adjoining to the same roads.

*The act 12 Geo. 2. c. 23. continued for 21 years.*

## CAP. VIII.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing, widening, and amending the road leading from Warrington to Wigan in the county of Lancaster; and also for amending and repairing the road leading from a place called Earl's Kill, in Warrington aforesaid, to the toll-bars in Wallgate, in Wigan aforesaid.

*The act 13 Geo. 2. c. 10. continued for 21 years.*

## CAP. IX.

An act for repairing the high road leading from the north end of the Cow Cawsey, near the town of Newcastle upon Tyne, to the town of Bel-ford, and from thence to Buckton Burn, in the county of Northumber-land.

*Certain tolls granted for 21 years.*

## CAP. X.

*An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties.*

*Most gracious Sovereign,*

**WE** your Majesty's most dutiful and loyal subjects, the com-mons of *Great Britain*, in parliament assembled, being desirous to raise the necessary supplies, which we have granted to your Majesty in this session of parliament, in the most safe, easy, and expeditious manner we are able, have voluntarily resolved to give and grant unto your Majesty the several and respective new rates and duties herein after expressed; and to that end and purpose do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assem-bled,



bled, and by the authority of the fame, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty seven, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs and successors, for and upon every coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, and caravan, or by what name soever such wheel-carriages now are, or hereafter may be called or known, that shall be kept by or for any person, for his or her own use, or to be let out to hire, the respective annual rates or duties herein after expressed; that is to say,

Duties upon coaches and other carriages.

For and upon every coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, that shall be kept by or for any person, for his or her own use, or to be lett out to hire (other than and except such coaches, and other carriages, as now are, or hereafter may be, licensed by the commissioners for the duties arising by hackney coaches) the yearly sum of four pounds for every such coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, so to be kept as aforesaid.

And for and upon every calash, chaise, and chair, with two wheels, or by what name soever such carriages now are, or hereafter may be called or known, to be drawn by one or more horses, that shall be kept by or for any person or persons, for his, her, or their own use, or to be lett out to hire, the yearly sum of forty shillings for every calash, chaise, or chair, with two wheels, so to be kept as aforesaid.

Which said several and respective rates and duties for and upon every such coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, shall be paid by the person or persons who keep the same.

No person to pay for more than five carriages, except they be kept for hire.

II. Provided nevertheless, That no person shall be obliged to pay the said yearly sum of four pounds for more than five such carriages on which the said duty of four pounds a year is hereby charged, to be kept by or for him or her, for his or her own use only; nevertheless it is the true intent and meaning of this act, that all persons who shall keep the same for supplying any waiting jobb, by the day, week, month, quarter, or any other time, or otherwise to be lett out to hire, shall pay the said yearly sum of four pounds for every such coach, berlin, landau, chariot, calash with four wheels, chaise marine, and chaise with four wheels, or by what name soever such carriages now are, or hereafter may be called or known, so to be kept by him, her, or them, to be lett out for hire, as aforesaid, though exceeding the number of five; and that every person, who shall keep any calash, chaise, or chair with two wheels, or by what name soever such

ſuch carriages now are, or hereafter may be called or known, to be drawn by one or more horſes, to be let out for hire, ſhall pay the ſaid yearly ſum of forty ſhillings for every calaſh, chaiſe, or chair, ſo to be kept by him or her, to be lett out for hire, as aforeſaid, though exceeding the number of five.

III. And for the better aſcertaining, charging, levying, and ſecuring the ſeveral duties by this act impoſed, and for preventing all frauds concerning the ſame; be it further enacted by the authority aforeſaid, That ſuch of the ſaid duties by this act granted, as are or ſhall be chargeable upon ſuch coaches, berlins, landaus, chariots, calaſhes, chaiſe marines, chaiſes, chairs, and caravans, or by what names ſoever ſuch carriages now are, or hereafter may be called or known, that ſhall be kept by or for any perſons for his, her, or their own uſe, or to be lett out to hire in *England, Wales*, or the town of *Berwick upon Tweed*, ſhall be under the management of the commiſſioners and officers of the exciſe in *England* for the time being; and ſuch of the ſaid duties as are impoſed by this act upon ſuch coaches, berlins, landaus, chariots, calaſhes, chaiſe marines, chaiſes, and chairs, or by what names ſoever ſuch carriages now are, or hereafter may be called or known, that ſhall be kept by or for any perſons for his, her, or their own uſe, or be lett out to hire in *Scotland*, ſhall be under the management of the commiſſioners and officers of the exciſe in *Scotland* for the time being, who are hereby reſpectively impowered to appoint proper officers for charging, collecting, and receiving the ſame; and all monies ariſing by the ſaid duties (the neceſſary charges of raiſing and accounting for the ſame excepted) ſhall, from time to time, be paid into the receipt of his Maſteſty's exchequer at *Weſtmiſter*, diſtinctly and apart from all other branches of the publick revenues, for the purpoſes herein after mentioned.

IV. And it is hereby enacted by the authority aforeſaid, That all and every perſon and perſons, who from and after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, ſhall have or keep any coach, berlin, landau, chariot, calaſh, chaiſe marine, chaiſe, chair, or caravan, or by what name ſoever ſuch carriage now is or hereafter may be called or known, for his, her, or their own uſe, or the uſe of any perſon of or for whom he, ſhe, or they, is, are, or ſhall be committees, truſtees, or guardians, or to lett out to hire, in *London, Weſtmiſter*, or in any parts within the limits of the weekly bills of mortality, ſhall, within thirty days after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, or within twenty days after he or ſhe ſhall begin to keep ſuch coach, berlin, landau, chariot, calaſh, chaiſe marine, chaiſe, chair, or caravan, or by what name ſoever ſuch carriage now is, or hereafter may be called or known, give notice in writing at the chief office of exciſe in *London*; and all and every perſon and perſons, who from and after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, ſhall keep any coach, berlin, landau, chariot, calaſh, chaiſe marine, chaiſe, chair, or

Duties upon coaches, &c. chargeable in *England* to be under the management of the officers of exciſe in *England*;

and thoſe in *Scotland* under like officers there.

Commiſſioners to appoint officers for collecting the duties.

Perſons keeping coaches, &c. to give notice at the exciſe office.

caravan, or by what name ſoever ſuch carriage now is, or hereafter may be called or known, for his or her own uſe, or for the uſe of any perſon of or for whom he, ſhe, or they, ſhall be committees, truſtees, or guardians, or to lett out to hire in any other part of *Great Britain*, ſhall, within ſixty days after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, or within twenty days after he, ſhe, or they, ſhall begin to keep ſuch carriage, and from time to time within twenty days after beginning to keep any other ſuch carriages reſpectively, not being in the place of the former, give notice in writing at the office of exciſe, next to the place where ſuch perſon or perſons, for whoſe uſe the ſame ſhall be ſo kept, ſhall reſpectively inhabit, of his, her, or their keeping the ſame, and of the number of the coaches, berlins, landaus, chariots, calaſhes with four wheels, chaiſe marines, chaiſes, or chairs with four wheels, or caravans, and calaſhes, chaiſes and chairs with two wheels, or by what name ſoever ſuch carriages now are, or hereafter may be called or known, ſo by him, her, or them reſpectively kept as aforeſaid, and of the pariſh or place where he or ſhe reſpectively reſides, and ſhall at the ſame time pay down the reſpective annual rates and duties ſo impoſed as aforeſaid, for the keeping the ſame.

Duties when  
to be paid.

Notice to be  
given every  
year,

and the duties  
paid.

Penalty.

Names of the  
owners and  
the number of  
coaches,

V. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons that ſhall give, or be obliged to give ſuch notice as aforeſaid, is and are hereby required at or within twenty days after the expiration of twelve calendar months, after the times of giving or being obliged to give ſuch firſt notices, to give a freſh notice in manner aforeſaid, and pay down the reſpective annual rates and duties above mentioned, according to the number of coaches, berlins, landaus, chariots, calaſhes with four wheels, chaiſe marines, chaiſes, and chairs with four wheels, or caravans, and calaſhes, chaiſes and chairs with two wheels, or by what names ſoever ſuch carriages now are, or hereafter may be called or known, ſo by him, her, or them reſpectively then kept, and in the ſame manner to renew ſuch notice, and make ſuch payment from year to year, as long as he, ſhe, or they ſhall ſo keep any ſuch carriages; and if any perſon or perſons ſhall ſo keep any coach, berlin, landau, chariot, calaſh, chaiſe marine, chaiſe, chair, or caravan, or by what name ſoever ſuch carriage now is, or hereafter may be called or known, as aforeſaid, without giving ſuch firſt notice, and making ſuch payments as aforeſaid, or without renewing ſuch notice and payments yearly, in manner as aforeſaid, he, ſhe, or they ſhall reſpectively forfeit and loſe the ſum of twenty pounds for each offence.

VI. And be it further enacted by the authority aforeſaid, That upon the payment of the ſaid reſpective rates and duties ſo here- by granted, at the ſaid reſpective offices of exciſe, by the reſpective owners or proprietors thereof as aforeſaid, the names of the perſons ſo paying the ſame, and the number of the coaches, berlins, landaus, chariots, calaſhes with four wheels, chaiſe ma-

rines,

riñes, chaifes, and chairs with four wheels, and caravans, and calafhes, chaifes and chairs with two wheels, or by what names foever fuch carriages now are, or hereafter may be called or known, by him or her refpectively kept, and the name of the parifh or place where he or ſhe, and any perfon of or for whom he, ſhe, or they ſhall be committee, trustee, or guardian, reſides, ſhall be entered in a register to be kept at the ſaid refpec- to be regi- tive offices of exciſe for that purpoſe by the perſon ſo receiving ſter'd. the ſame: and a receipt (of which an indented duplicate ſhall be kept by the perſon receiving the ſaid money) ſhall be given to every perſon ſo paying ſuch reſpective rates by the ſaid perſon ſo receiving the ſame; which receipt ſhall contain the number of the ſaid register, the number of the coaches, berlins, landaus, receipts. chariots, calafhes, chaiſe marines, chaifes, chairs, and caravans, or by what names foever ſuch carriages now are, or hereafter may be called or known, ſo reſpectively paid for, the ſum ſo paid, and the time for which ſuch ſum ſhall have been ſo paid, and be a diſcharge to the reſpective owner for ſuch number of coaches, berlins, landaus, chariots, calafhes, chaiſe marines, chaifes, chairs, and caravans, whereſoever the ſame are reſpec- tively uſed.

VII. And be it further enacted by the authority aforeſaid, Stage coaches, That nothing in this act contained ſhall extend, or be conſtrued to extend, to charge with the ſaid duty of four pounds *per annum*, by this act impoſed upon coaches, and other carriages, any publick ſtage coach, which is conſtantly employed in carrying paſſengers for hire to and from different places within this kingdom, on certain days in every week fixed for that purpoſe, and not uſed or lett out to hire by way of by-jobb, for a day, or any longer time.

VIII. Provided alſo, That this act ſhall not extend to charge and poſt with the ſaid duty of forty ſhillings *per annum*, by this act im- chaifes, ex- poſed upon chaifes and chairs with two wheels, any poſt chaiſe emptied. that now is, or hereafter ſhall be kept for hire by his Majeſty's poſt-maſter general, or by any deputy poſt-maſter in *Great Bri- tain*, authorized by him to keep ſuch poſt chaifes.

IX. Provided nevertheleſs, That all and every the poſt chaifes, Poſt chaifes to ſo to be kept by ſuch poſt-maſter general, or any deputy poſt- be entered at maſters, for hire, as aforeſaid, ſhall, within thirty days after the exciſe of- the ſaid twenty fifth day of *March*, one thouſand ſeven hundred ſice, and forty ſeven, or within thirty days after the letting out of ſuch chaifes for hire, be entered by the owners thereof at the office of exciſe next to the place where ſuch perſons inhabit; and ſhall (beſides his Majeſty's arms to be painted upon every and to have a ſuch poſt chaiſe) have ſuch figure or mark of diſtinction fixed mark. thereupon, as ſhall be appointed by the ſaid commiſſioners for that purpoſe; and in caſe any ſuch poſt-maſter ſhall, from and after the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty ſeven, lett out to hire any ſuch poſt chaiſe before the ſame ſhall have been entered, or ſhall have ſuch arms painted, or ſuch mark or figure fixed thereupon, as aforeſaid,

Penalty 20l.

Coaches, &c.  
lett out to hire  
to carry a fi-  
gure, &c.

Penalty 20l.

Licensed  
coaches ex-  
empted.

Coaches kept  
for sale not to  
be taxed.

Penalty on let-  
ting out such  
coaches.

Prosecutions  
where to be.

every such deputy post-master and post-masters shall, for every such offence, forfeit the sum of twenty pounds.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to cause such figure or mark of distinction as they shall think proper to appoint, to be fixed upon every such coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, that shall be so lett-out to hire as aforesaid, and in case any person or persons whatsoever shall lett out to hire any such carriage which shall not have such figure or mark of distinction fixed thereupon as aforesaid, or shall take off the same when fixed to any such carriage, every such person shall, for every such offence, forfeit and lose the sum of twenty pounds.

XI. And it is hereby further enacted, That nothing in this act contained shall extend to charge with any of the said rates and duties, any coach which shall be licensed by the commissioners for regulating and licensing hackney coaches within the cities of *London* and *Westminster*, and the suburbs thereof, and have the proper figure or number thereon, and which shall not be employed in carrying any person or persons more than ten miles from the said cities respectively.

XII. Provided also, and it is hereby declared, That nothing in this act contained shall extend to charge with any of the said duties, any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, kept for sale, and remaining unsold in the possession of the owner thereof, or of any coachmaker the purchaser thereof; and no such carriage shall at any time, whilst in such possession, be employed for his or her own use, or for the use of any other person, other than such person whose like carriage shall be then mending or repairing by such coachmaker, or be lett out to hire, on pain of forfeiting the sum of twenty pounds for every time that such carriage shall be so employed, or lett out to hire as aforesaid.

XIII. And be it further enacted by the authority aforesaid, That all the rates and duties hereby granted, as also all forfeitures and offences made and committed against this act, or any clause or article therein contained, shall be heard, adjudged, and determined by such person and persons, and in such manner and form, as hereafter in and by this act is directed and appointed; that is to say, all prosecutions for the recovery of the duties hereby granted, and also for all forfeitures and offences made and committed within the immediate limits of the chief office of excise in *London*, shall be heard, adjudged, and determined by the said commissioners of excise, or the major part of them, or by the commissioners for appeals, or the major part of them, in case of appeal, and not otherwise; and all prosecutions for the recovery of the duties hereby granted, and also for all forfeitures and offences made and committed within all or any other the counties, shires, stewardries, cities, towns, or places within the kingdom of *Great*

*Britain*,

*Britain*, ſhall be heard and determined by any two or more of the juſtices of the peace reſiding near to the place where ſuch forfeitures ſhall be made, or offence committed; and if the party finds himſelf aggrieved by the judgment given by two or more juſtices, he ſhall and may appeal to the juſtices of the peace at the next quarter ſeſſions, who are hereby authorized and impowered to hear and determine the ſame, whoſe judgement therein ſhall be final; which ſaid commiſſioners for appeals, and regulating this duty, and the ſaid commiſſioners of exciſe, and all juſtices of the peace aforeſaid reſpectively, are hereby authorized, and ſtrictly enjoined and required, upon complaint or information upon oath, exhibited and brought of any forfeiture made, or offences committed, contrary to this act, to ſummon the party accused, and upon his appearance, or contempt, to proceed to the examination of the matter of fact, and upon due proof made thereof, either by the voluntary confeſſion of the party, or by the oath of one or more credible witneſs or witneſſes (which oath they, or any two or more of them, have hereby power to adminiſter) to give judgement or ſentence thereupon, and to award and iſſue out warrants under their hands, for the levying of ſuch forfeitures and penalties as are by this act impoſed, for any ſuch offence committed, upon the goods and chattels of the offender, and to cauſe ſale to be made of the ſaid goods and chattels, if they ſhall not be redeemed within fourteen days, rendering to the party the overplus, if any be; and for want of ſufficient diſtreſs, to impriſon the party offending till ſatisfaction be made.

Commiffion-  
ers, &c. upon  
complaint, to  
ſummon the  
party,

and give  
judgement,  
&c.

and for want  
of diſtreſs, to  
commit the  
offender.

XIV. And it is hereby further enacted, That all forfeitures and penalties mentioned in this act (all neceſſary charges for the recovery thereof being firſt deducted) ſhall be employed, one moiety thereof to and for the uſe of his Majeſty, and the other moiety thereof to the diſcoverer or informer of the ſame.

Forfeitures  
how to be diſ-  
poſed, &c.

XV. Provided always, and be it enacted by the authority aforeſaid, That in every caſe where the duty or duties required by this act to be paid, by any perſon chargeable with the ſame, ſhall be paid, and entry made as aforeſaid, before any information laid of ſuch entry or payment not having been made, although not ſtrictly within the time for that purpoſe mentioned, no perſon having made ſuch payment and entry, ſhall be afterwards proſecuted for not having made ſuch payment or entry within the time limited by this act.

None to be  
proſecuted,  
where the du-  
ties are paid,  
&c. before  
information  
given.

XVI. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon having made due entry and payment of the duty for any coach or coaches, or other carriage or carriages mentioned in this act, according to the true intent and meaning thereof, ſhall die before the end of the year for which ſuch entry and payment ſhall be made; in every ſuch caſe, it ſhall be lawful for every perſon claiming title to any ſuch coach or coaches, carriage or carriages aforeſaid, by, from, or under ſuch deceaſed perſon, to make uſe of ſuch coach or coaches, carriage or carriages, for or in reſpect whereof ſuch entry and

Successors of  
deceaſed per-  
ſons, who  
have paid the  
duties, not to  
be charged for  
the reſidue of  
the year.

duty ſhall have been made and paid as aforeſaid, during the reſidue of the year for which ſuch payment ſhall have been made, in like manner, as ſuch deceased perſon might have done, if living.

Books to be kept for entering the monies coming in.

XVII. And be it further enacted by the authority aforeſaid, That there ſhall be provided and kept in the office of the auditor of the ſaid receipt of exchequer at *Weſtmiſter*, a book or books, in which all the monies hereby appointed to be paid into the ſaid receipt, ſhall be entered ſeparate<sup>d</sup> and apart from all other monies paid or payable there to his Maſteſty, his heirs or ſueceſſors, upon any account whatſoever; and the ſaid money ſo appointed to be paid into the ſaid receipt of exchequer as aforeſaid, ſhall be the yearly fund for the uſes and purpoſes herein after mentioned.

Appropriation of the duties.

XVIII. And be it further enacted by the authority aforeſaid, That all and every the annuities which by this act ſhall be granted and made payable, in reſpect of the principal ſum of one million, to be raiſed towards the ſupply, for the ſervice of the year one thouſand ſeven hundred and forty ſeven, in ſuch manner and form as herein after is directed, until redemption thereof by parliament, ſhall be charged and chargeable upon, and payable out of the ſaid rates and duties by this act granted to his Maſteſty; and the ſaid rates and duties ſhall be, and are hereby appropriated for that purpoſe accordingly.

1,000,000 l. to be raiſed by lottery, for purchaſe of annuities at 4 l. per cent.

XIX. And whereas it is intended, That the ſaid ſum of one million ſhall be raiſed by way of a lottery, for the purchaſe of annuities, after the rate of four pounds per centum per annum, in manner hereafter mentioned; be it therefore enacted by the authority aforeſaid, That the annuities becoming due and payable to the contributors to the lottery herein after mentioned, their executors, adminiſtrators, and aſſigns, at the rate of four pounds per centum per annum, in reſpect of the ſaid principal ſum of one million, in manner hereafter in this act expreſſed, until redemption thereof by parliament, according to the proviſo herein after contained in that behalf, ſhall be charged upon the ſaid rates and duties, from the feaſt day of the nativity of Saint *John* the Baptiſt, which ſhall be in the year of our Lord one thouſand ſeven hundred and forty ſeven, and ſhall, from time to time, be paid half yearly, at the feaſts of the birth of our Lord Chriſt, and the nativity of Saint *John* the Baptiſt, by even and equal portions, the firſt payment thereof to be due and payable for the half-year ending at the feaſt of the birth of our Lord Chriſt, one thouſand ſeven hundred and forty ſeven.

to be charged on the rates.

Any perſon may advance 10 l. or more.

XX. And be it further enacted by the authority aforeſaid, That for or towards raiſing the ſaid ſum of one million, it ſhall and may be lawful for any perſon or perſons, natives or foreigners, bodies politick or corporate, to contribute by paying at or before the reſpective times by this act limited in that behalf, to any receiver or receivers to be appointed for that purpoſe, as is herein after mentioned, the ſum of ten pounds, or divers entire ſums of ten pounds upon this act; and that every ſuch contributor

butor or adventurer for every ſuch ſum of ten pounds, which he, ſhe, or they ſhall ſo advance, ſhall be intereſted in ſuch lot or ſhare of and in the joint ſtock of annuities, eſtabliſhed by this act, as is herein after mentioned and appointed in that behalf; and the ſame entire ſums of ten pounds each, are hereby appointed to be paid unto ſuch receiver or receivers, at ſuch time or times, and in ſuch proportions at a time, as are herein after mentioned in that behalf; that is to ſay, one fourth part thereof, upon ſuch day as ſhall be appointed by the commiſſioners of the treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being; one other fourth part thereof, on or before the twenty third day of *June*, one thouſand ſeven hundred and forty ſeven; one other fourth part thereof, on or before the twentieth day of *Auguſt* then next enſuing; and the remaining fourth part thereof, on or before the ſixteenth day of *October*, then next following.

Times of advancing the ſums.

Managers to be appointed by the treaſury. There ſhall be printed 50,000 tickets. Where any ticket ſhall be a prize, the ticket of the like number ſhall be a prize of like value. Treaſury to appoint receivers, and take ſecurity. Managers to examine the books of tickets, and deliver them to the receivers. Receivers ſhall deliver tickets to the contributors; of which 7,150 ſhall be fortunate; and ſhall be written upon in manner following, *viz.* upon two, 10,000 l. upon three, 5000 l. upon five, 2000 l. upon fifteen, 1000 l. upon thirty one, 500 l. upon one hundred and fifty one, 100 l. upon three hundred and ninety eight, 50 l. upon ſix thouſand five hundred and forty five, 20 l. which ſums, with 500 l. to the firſt drawn ticket, and 1000 l. to the laſt drawn, will amount to 242,900 l. which being added to 257,100 l. on the remaining 42,850 blank tickets, at 6 l. each, amount together to 500,000 l. which with the like ſum payable in reſpect of the 50,000 correſponding tickets, amount together to 1,000,000 l. to be converted into annuities. Manner of drawing the lottery. Prizes to be entered in a book. A liſt of the prizes to be printed. Counterfeiting of tickets, certificates, or the numbers of them, felony. Guardians may adventure infants money in the lottery; ſo as ſuch infants names be in the receipts and tickets. Limitation of ſale of chances, &c. Perſons ſelling ſhares in tickets of which they are not poſſeſſed, to forfeit 500 l. The tickets to be exchanged for certificates. EXP.

XL. And be it further enacted by the authority aforeſaid, That the ſaid accomptant general of the bank of *England* for the time being, to whom the ſaid certificates are to be directed as aforeſaid, ſhall, upon receiving and taking in the ſaid certificates, or any of them, give credit to the perſons named therein, in a book or books, to be by him provided and kept for that purpoſe, for the principal ſums contained in every ſuch certificate; and the perſons to whoſe credit ſuch principal ſums ſhall be entered in the ſaid book or books, his, her, or their executors and adminiſtrators ſhall and may have power to aſſign and transfer the ſame, or any part, ſhare, or proportion thereof, to any other perſon or perſons, bodies politick or corporate whatſoever, in other books, to be prepared and kept by the ſaid accomptant general for that purpoſe; and the principal ſums ſo aſſigned and transferred, ſhall carry the ſaid annuity of four pounds

Accomptant general to give credit for the ſums named in the certificates;

which may be transferred, and carry 4 per cent. intereſt.



Certificates to  
be cancelled,  
and notes  
given in lieu  
thereof.

pounds *per centum per annum*, and ſhall be taken and deemed to be ſtock transferrable by this act, according to the powers and authority herein after mentioned, until the redemption thereof as aforeſaid; and the ſaid accomptant general of the bank of *England* for the time being, is hereby authorized and directed to cancel and file the certificates, as they ſhall from time to time be received and taken in by him, and to give the perſons bringing in the ſame a note under his hand, juſtifying the principal money for which they ſhall have credit in the ſaid book or books, by reaſon or means of the certificates ſo received, taken in, and cancelled as aforeſaid, and of the annuities attending the ſame.

Chief caſhier  
and accompt-  
ant general to  
be appointed.

XLI. And for the more eaſy and ſure payment of the ſeveral and reſpective annuities, amounting in the whole to one million, by this act authorized to be purchaſed as aforeſaid; it is hereby further enacted by the authority aforeſaid, That the ſaid governor and company of the Bank of *England*, and their ſucceſſors, ſhall from time to time, until the ſaid ſeveral and reſpective annuities, after the rate of four pounds *per centum per annum*, ſhall be redeemed according to this act, appoint and employ one ſufficient perſon or perſons within their office in the city of *London*, to be their chief or firſt caſhier or caſhiers, and one other ſufficient perſon, within the ſame office, to be their accomptant general; and that ſo much of the monies, from time to time ariſing into the receipt of the exchequer, for the ſaid ſeveral rates and duties by this act appropriated for this purpoſe, as ſhall be ſufficient, from time to time, to answer the ſaid ſeveral annuities, and other payments directed to be paid or diſcharged out of the ſame, ſhall, by order of the commiſſioners of his Maſteſty's treaſury, or any three or more of them now being, or the high treaſurer, or commiſſioners of the treaſury of his Maſteſty, his heirs or ſucceſſors for the time being, without any further or other warrant to be ſued for, had, or obtained in that behalf, from time to time, at the reſpective half yearly feaſt days or days of payment, in this act before appointed for payment thereof, be iſſued and paid at the ſaid receipt of exchequer, to the ſaid firſt or chief caſhier or caſhiers of the ſaid governor and company of the bank of *England*, and their ſucceſſors for the time being, by way of impreſt, and upon account for the payment of the ſaid ſeveral annuities to be purchaſed upon this act, at ſuch times, and in ſuch manner and form, as are by this act preſcribed in that behalf; and that all and every ſuch caſhier and caſhiers, to whom the ſaid monies ſhall from time to time be iſſued, ſhall from time to time, without delay, apply and pay the ſame accordingly, and render his account thereof according to the due courſe of the exchequer; any thing therein contained to the contrary notwithstanding.

Monies for  
payment of  
the annuities  
to be iſſued  
from the ex-  
chequer by  
way of im-  
preſt, &c.

Caſhiers to  
make pay-  
ments.

Accomptant  
general to in-  
ſpect the caſ-  
hiers receipts.

XLII. And it is hereby alſo enacted, That the ſaid accomptant general for the time being, ſhall from time to time, inſpect and examine all receipts and payments of the ſaid caſhier or caſhiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every perſon and perſons whatſoever, who ſhall be intitled to any of the

the ſaid ſeveral and reſpective annuities, after the rate of four pounds *per centum per annum*, and all perſons lawfully claiming under them, ſhall be poſſeſſed thereof as of a perſonal eſtate, and the ſame ſhall not be deſcendible to the heir, and ſhall not be liable to any foreign attachment by the cuſtom of *London*, or otherwiſe; any law, ſtatute, or cuſtom to the contrary notwithstanding.

Annuities to be a perſonal eſtate, &c.

XLIII. And be it further enacted by the authority aforeſaid, That all monies to be advanced or contributed, or to which any perſon or perſons ſhall become entitled upon this act, for or towards the ſaid ſum not exceeding one million, ſhall be deemed, reputed, and taken to be one capital or joint ſtock, on which the ſaid ſeveral and reſpective annuities, after the rate of four pounds *per centum per annum*, ſhall be attending; and that all and every perſon and perſons, and corporations whatſoever, in proportion to the money by him, her, or them advanced, or to which they ſhall become intitled as aforeſaid, upon this act, ſhall have, and be deemed to have a proportional intereſt and ſhare in the ſaid ſtock, and in the annuity attending the ſame, at the rate aforeſaid; and that the ſaid whole capital or joint ſtock, or any ſhare or intereſt therein, and the proportional annuity attending the ſame, ſhall be assignable and transferrable as this act directs, and not otherwiſe; and that there ſhall conſtantly be kept at all ſeaſonable times, in the office of the ſaid accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the ſaid whole capital or joint ſtock, or any part thereof, and the proportional annuity attending the ſame, at the rate aforeſaid, ſhall be entered and regiſtered; which entries ſhall be conceived in proper words for that purpoſe, and ſhall be ſigned by the parties making ſuch assignments or transfers; or if ſuch parties be abſent, by his, her, or their attorney or attorneys thereunto lawfully authorized, by writing under his, her, or their hands and ſeals, to be atteſted by two or more credible witneſſes; and that the perſon or perſons, to whom ſuch transfer ſhall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the ſaid ſtock, and the annuities attending the ſame, or any part thereof, or any intereſt therein, ſhall be good or available in law.

The monies contributed to be a joint ſtock, &c.

transferrable.

Book to be kept for transfers.

Entries to be ſigned by the parties transferring and accepting.

XLIV. Provided always, That any perſon or perſons poſſeſſed of ſuch ſtock, with the annuity or annuities attending the ſame, or any eſtate or intereſt therein, may deviſe the ſame by will, in writing, atteſted by two or more credible witneſſes; but that ſuch deviſee ſhall receive no payment thereupon, till ſo much of the ſaid will, as relates to the ſaid ſtock or annuity, be entered in the ſaid office; and in default of ſuch transfer or deviſe, the ſaid ſtock and annuities attending the ſame, ſhall go to the executors or adminiſtrators; and that no ſtamp duties whatſoever ſhall be charged on the ſaid transfers, or any of them; any other law or ſtatute to the contrary notwithstanding.

Annuities deviſible, &c.

In default of deviſe, &c. to executors.

XLV. Provided always, and it is hereby enacted by the authority

thority

The bank to continue a company till redemption of the annuities.

thority aforefaid, That the faid governor and company of the bank of *England*, and their fucceffors, (notwithftanding the redemption of all or any their own funds, in purfuance of the acts for eftablifhing the fame, or any of them) fhall continue a corporation, with all the powers, privileges, and advantages, thereunto belonging, for the purpofes in this act expreffed, till all the annuities to be purchafed on this act fhall be redeemed by parliament, according to the provifo herein after contained in that behalf; and the faid governor and company, or any members thereof, fhall not incur any difability for or by reafon of their doing any matter or thing in purfuance of this act.

No fee for payment of contribution-money.

XLVI. And it is hereby enacted by the authority aforefaid, That no fee or gratuity whatfoever, fhall be demanded or taken of any of his Majefty's fubjects, for receiving or paying the faid contribution-monies, or any of them, or for any tallies or receipts concerning the fame, or for iffuing the monies for paying the faid feveral annuities, or any of them; and that no fee or gratuity fhall be demanded or taken for any transfer, of any fum great or fmall, to be made in purfuance of this act; upon pain that any officer or perfon offending, by taking or demanding any fee or gratuity contrary to this act, fhall forfeit the fum of twenty pounds to the party grieved, to be recovered with full cofts of fuit, in any of his Majefty's courts of record at *Weftminfter*.

Transfers to be made gratis.

Penalty.

Treafury to pay the charges of executing this act, out of the duties,

XLVII. Provided always, and be it enacted by the authority aforefaid, That the commiffioners of the treafury, or any three or more of them now being, or the high treafurer, or any three or more of the commiffioners of the treafury for the time being, fhall have power, and they are hereby authorized out of the faid feveral rates and duties by this act granted and appropriated as aforefaid, to difcharge all fuch incident charges, as fhall neceffarily attend the execution of this act, in fuch manner, as to them fhall feem juft and reasonable; and alfo to fettle and appoint fuch allowances, out of the contributions aforefaid, as they fhall think juft and reasonable, for the fervice, pains, and labour of the receiver or receivers of the contributions to the faid lottery, for receiving and accounting for the fame; and alfo fuch further allowances, out of the faid feveral rates and duties by this act appropriated, as they fhall think juft and reasonable, for the fervice, pains, and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving, paying, and accounting for the feveral and refpective annuities, payable in refpect thereof; and alfo for the fervice, pains, and labour of the accomptant general of the faid governor and company, for performing the duty and truft incumbent on him by this act; all which allowances hereby impowered to be made as aforefaid, in refpect to the fervice, pains, and labour of any officer or officers of the faid governor and company, fhall be for the ufe and benefit of the faid governor and company, and at their difpofal only; any thing herein contained to the contrary notwithstanding.

and appoint falaries for the cashiers and other officers.

XLVIII. And

XLVIII. And it is hereby enacted by the authority aforesaid, That if at any time or times the produce of the said several rates and duties shall happen to be so low or deficient as that the monies arising therefrom into the exchequer, shall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of the overplus monies, that shall or may happen to arise and be paid into the exchequer in any of the subsequent half years, as the said respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case, the deficiencies so from time to time happening, shall, from time to time, be answered and made good by and out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after such deficiencies shall happen, then the same shall be made good out of any the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be from time to time issued and applied accordingly; and if at any time or times before any monies of the said several rates and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities aforesaid, which shall be actually incurred and grown due at any of the said half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said sinking fund (except as before excepted) and be issued accordingly.

Deficiencies,  
&c. to be  
made good.

XLIX. Provided always, and be it enacted by the authority aforesaid, That whatsoever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies, to be then after granted in parliament.

Sinking fund  
to be replaced.

L. Provided always, and be it further enacted by the authority aforesaid, That in case the monies arisen, or to arise into the receipt of his Majesty's exchequer, of or for the rates and duties by this act granted, shall be more than sufficient to answer and pay the several annuities by this act charged thereupon, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby respectively authorized and required, from time to time, to issue an

Surplus mo-  
nies how to be  
applied.

pay, out of the surplus money of the said rates and duties by this act granted as aforesaid, so much money as shall, from time to time, be wanting to make good any deficiency that shall or may happen in the produce of the rates and duties upon houses, windows, or lights, granted to his Majesty, his heirs and successors, by one other act of this present session of parliament; any thing herein contained to the contrary in any wise notwithstanding.

Clause of redemption.

LI. Provided also, and be it further enacted by the authority aforesaid, That at any time upon one year's notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half yearly feast days, for payment of the said respective annuities, and upon repayment by parliament, of the respective principal sums, for which the said respective annuities, shall be payable to such respective persons or corporations, as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said several rates and duties, shall not be issued or applied to any use or purpose, but as shall be directed by future act or acts of parliament; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged to be sufficient notice, within the words and meaning of this act.

General issue.

LII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be molested or prosecuted for any thing done by virtue or in pursuance of this act, or any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his, her, or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to them awarded against such plaintiff or plaintiffs.

Treble costs.

#### CAP. XI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

#### CAP. XII.

An act for repairing the high road leading from the city of Durham, in the county of Durham, to Tyne Bridge in the said county.

*Certain tolls granted for 21 years.*

#### CAP. XIII.

An act for repairing the road from Sunderland near the sea, to the city of Durham, in the county of Durham.

*Certain tolls granted for 21 years.*

CAP.

## CAP. XIV.

*An act for opening, cleansing, repairing, and improving the haven of Southwold in the county of Suffolk.*

**W**HEREAS there hath been, for time out of mind, a sea-port or harbour for shipping at Southwold in the county of Suffolk, which is situated very conveniently, not only for the safe-guard and preservation of ships and vessels navigating in the British seas, but also for the importation and exportation of many useful wares and commodities, and for the benefit of trade and commerce in general: and whereas the road or haven, lying before and without the said port or harbour, is so choked up or obstructed with sand, as to prevent any loaded ships or vessels (except such as are of very small tonnage or burthen) from passing into or out of the said harbour: to the end therefore that the said haven, port, or harbour may be opened, cleansed, repaired, and improved, so as to render the same safe and commodious for shipping, and of publick benefit and utility to the trade and commerce of this kingdom; be it enacted, &c.

From 25 March, 1747, for 21 years, &c. there shall be paid, for every English vessel which shall sail into the harbour, and neither load nor unload there, 1 d. 2 q. per ton, according to their light bills. For every chaldron of coals, culm, and cinders, landed from any English ship in the said port, 1 s. For every last of wheat, rye, barley, malt, oats, and other grain, exported or imported, 1 s. For every ton of rock salt, 1 s. For every hoghead of wine, brandy, or other spirituous liquor, 1 s. For every ton of chalk, other than for improving land, 1 d. For every firkin of butter and weigh of cheese, 1 d. For every ton of grocery wares, and other goods (fish, butter and cheese excepted) 1 s. 6 d. For every ton of lead, 1 s. For every foreign ship which shall sail into the harbour, and not load nor unload there, and for all goods exported or imported, out of any foreign ship in the port, double duties. Duties may be levied by distress and sale. No ship to be cleared at the custom house, till a certificate is produced of the payment. Monies to be applied towards cleaning and improving the harbour. Trustees to state their accounts yearly. Bailiffs, &c. of Southwold to be present at the making up the accounts. Trustees may contract for cleansing, &c. the harbour; and may borrow money on the duties. New trustees may be chose in the room of those who are dead, &c. No person to throw rubbish into the harbour, under penalty of 40 s.

## CAP. XV.

*An act for repairing, improving, and maintaining the publick conduits, and other water-works, belonging to the town of Southampton.*

## CAP. XVI.

*An act for enlarging the term and powers granted by several acts of parliament passed for repairing the highways between Wymondham and Attleborough, and from Wymondham to Hetherfet, and from the mouth of Wigmore Lane, to Hall Walk Gate in Attleborough, in the county of Norfolk; and for amending the other roads adjoining to the highways directed to be repaired by the said former acts, and making the said acts more effectual.*

*Former acts 7 Will. 3. c. 26. &c. continued for 21 years.*

## CAP. XVII.

An act for enlarging the term and powers granted by two acts of parliament for laying a duty of two pennies Scots upon every pint of ale and beer brewed and vended within the town of Dundee, and the liberties and suburbs thereof, for the purposes in the said acts and this present act mentioned.

*The duty of excise continued to the town for 25 years.*

## CAP. XVIII.

*An act for the better preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham.*

3 Geo. 1. private.

WHEREAS the town of Sunderland near the sea, situate on the river Wear, in the county of Durham, is well inhabited by rich and able merchants and tradesmen, and may be of great importance, as well for his Majesty's service and revenue, as for the publick benefit of the kingdom, having a port or haven capable of containing many hundred sail of ships at one time, and from whence may be loaded and sent great numbers of ships with coals, salt, glass, and other merchandizes, to divers places within this realm, and also to foreign parts; and divers kinds and sorts of merchandizes may be imported in the said port or haven, whereby not only a great revenue will yearly arise to his Majesty, but there will be also a constant nursery and supply of able seamen to serve on board the royal navy, and great numbers of poor people may be constantly employed in and about work and trade of the said river and port: and whereas by an act passed in the third year of the reign of his late majesty King George the First, intituled, An act for the preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham, certain persons in the said act named, were named, constituted, and appointed commissioners of the said river, port, and haven, within the limits, with the powers, and for the purposes therein mentioned, for and during the term of twenty one years; and for the effectual cleansing and preserving the said river, port, and haven, certain duties were by the said act granted and made payable from and after the twenty fourth day of June, which was in the year of our Lord one thousand seven hundred and seventeen, and to have continuance for the space of twenty one years then next following: and whereas another act passed in the thirteenth year of the reign of his late majesty King George the First, For the more effectual preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham, whereby divers additional powers were granted to the said commissioners: and whereas the said commissioners, in pursuance and in execution of the powers by the said acts given to them, did, before the expiration of the said term thereby limited (which was on the twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty eight) at a very great charge, erect a pier and a key at or near the mouth of the said river, on the south side thereof, and did divers other acts, for the opening, cleansing, scouring, and improving of

13 Geo. private.

of the said river, port, and haven, from whence some benefits and advantages have arose; and in order to have more effectually cleansed, scoured, and preserved the same, the said commissioners proposed and intended to have lengthened the said pier, and also to have built a pier or piers, key or keys, wall or walls, jettee or jetties, on the north side of, and to have made and done other works near the mouth of the said river, port, or haven; but the money arising from the duties laid and made payable by the said first mentioned act, not being sufficient to make and perform such additional works within the term by the said former acts limited, the mouth of the said river, port, or harbour, for want thereof, is still very much choaked by sand thrown up, and brought into, and lodged in the said harbour by the sea; and also by means of great banks of sand, gravel, rubbish, and other gross matter washed and brought down to, and lodged in the same, by land floods, and other accidents; and also by throwing ballast, coal ashes, rubbish, and other gross matter within the said river, port, or harbour; and by the irregular and low building, and want of repairing of wharfs, staiths, and keys, on or near the said river; but more especially for want of such pier or piers, key or keys, wall or walls, jettee or jetties, at or near the mouth of the said river, port, or haven to scour and cleanse the same, so that the depth of water at the mouth of the said river is not yet sufficient for laden ships and vessels to come into, or go out of, the same, whereby the navigation and trade of and in the said river, port, or haven, is very much prejudiced, hindered, and obstructed: and whereas the lengthening the present pier, and erecting and building a pier or piers, key or keys, jettee or jetties, and making and performing other works at or near the mouth of, and on other convenient parts of the said river, will be a means of deepening, cleansing, and rendering the same more navigable; and the preventing ballast, coal ashes, stones, sand, rubbish, and other gross matter, being washed into the said river, port, or haven, and the removing and preventing other the abuses and inconveniences aforesaid, will be a means of preserving the said river, port, or haven, so that, at all times thereafter, laden ships or vessels of a considerable burden may ride in, and sail into, and out of, the same, at all tides; which will be a means of reducing and keeping low the prices of coals at London, and other the delivering-ports within this kingdom, and will very much tend to the encouragement and increase of navigation and trade; which said undertaking and works, to finish and complete the same, will cost a very considerable sum of money: to the end therefore that the said river, port, and haven of Sunderland aforesaid may be further improved, and the said pier already built, lengthened, and such other pier or piers, key or keys, jettee or jetties, and other works may be erected, built, made, and performed, as at any time hereafter shall, by the commissioners hereby or hereafter to be appointed, be adjudged for the advantage or improvement of the said river, port, or haven; and that the same may be preserved and kept in repair; may it please your Majesty, that it may be enacted, &c.

Commissioners appointed for 21 years. Not less than 7 commissioners to be at a meeting. Commissioners impowered to remove and appoint officers.



cers. No commissioner to hold any of the offices. In case of death or incapacity new commissioners to be chosen. Commissioners may purchase or take leases of lands, &c. and lengthen and erect piers, &c. on such lands, &c. and employ workmen, and keels, &c. to remove obstructions; provided no grounds, &c. are damaged, nor the highway from Monk Wearmouth to Whitburne stopped. Commissioners to determine all differences. River to be made navigable between Biddick ford and Newbridge. Commissioners, in cases of abuses, &c. to summon the persons complained of. Jury to enquire into the offences. Commissioners, on the jury's verdict, to order persons offending to remove obstructions, &c. on penalty of 5 l. per month. Landlords, when ordered to remove obstructions, not to be guilty of trespass, &c. Indictments in cases of nuisances, &c. may be preferred as before this act passed. Penalty on person offending by emptying rubbish, not to exceed 5 l. Persons emptying rubbish, &c. from one vessel to another, &c. to have proper stages, or port fails. The coal owners shall pay any sum not exceeding 1 d. 2 q. for every chaldron, during 21 years, brought down for them to the river; and in proportion for any greater or less quantities. The justices not exceeding 2 q. Commissioners empowered to borrow money on the duties. Works erected by this act, becoming ruinous, not to be deemed nuisances. Commissioners may make by-laws, &c. to be approved of by the justices; and to be in force till repealed by the commissioners, &c. Saving clause in favour of the bishop of Durham, and of the owners of ferry-boats, &c.

## C A P. XIX.

*An act for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices.*

WHEREAS the laws now in being, for the better regulation of servants, and for the payment of wages to them, and to artificers, handicraftsmen, and labourers, are insufficient and defective: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March*, which will be in the year of our Lord one thousand seven hundred and forty seven, all complaints, differences, and disputes, which shall happen or arise between masters or mistresses, and servants in husbandry, who shall be hired for one year, or longer, or which shall happen or arise between masters and mistresses, and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for any certain time, or in any other manner, shall be heard and determined by one or more justice or justices of the peace of the county, riding, city, liberty, town corporate, or place, where such master or mistress shall inhabit, although no rate or assessment of wages has been made that year by the justices of the peace of the shire, riding, or liberty, or by the mayor, bailiffs, or other head officer, where such complaints shall be made, or where such differences or disputes shall arise; which said justice or justices is and are hereby empowered to examine upon oath, any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, and any other witness or witnesses, touching any such complaint, difference or dispute, and to make such order for payment of so much

Differences between masters and certain servants, to be determined by a justice of peace where the master resides.

Justices to examine servants, &c. upon oath,

and make order for payment of wages

much wages to fuch fervant, artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or other labourer, as to fuch juftice or juftices fhall feem juft and reasonable, provided that the fum in queftion do not exceed ten pounds with regard to any fervant, nor five pounds with regard to any artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or labourer; and in cafe of refusal or nonpayment of any fums fo ordered, by the fpace of one and twenty days next after fuch determination, fuch juftice and juftices fhall and may iflue forth his and their warrant to levy the fame by diftreffes and fale of the goods and chattels of fuch mafter or miftrefs, or perfon employing fuch artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or other labourer, rendering the overplus to the owners, after payment of the charges of fuch diftreffes and fale.

On nonpayment, to be levied by diftreffes and fale.

II. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for fuch juftice or juftices, upon application or complaint made, upon oath, by any mafter, miftrefs, or employer, againft any fuch fervant, artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or labourer, touching or concerning any mifdemeanor, mifcarriage, or ill-behaviour, in fuch his or her fervice or employment (which oath fuch juftice or juftices is and are hereby impowered to adminifter) to hear, examine, and determine the fame; and to punifh the offender by commitment to the houfe of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwife by abating fome part of his or her wages, or by difcharging fuch fervant, artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or labourer, from his, her, or their fervice or employment: and in like manner alfo it fhall and may be lawful to and for fuch juftice or juftices, upon any complaint or application, upon oath, by any fuch fervant, artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or other labourer, againft fuch mafter, miftrefs, or employer, touching or concerning any mifufage, refusal of neceffary provifion, cruelty, or other ill-treatment of, to, or towards fuch fervant, artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or other labourer, and to fummon fuch mafter, miftrefs, or employer, to appear before fuch juftice or juftices, at a reasonable time to be prefixed in fuch fummons; and fuch juftice or juftices fhall and may examine into the matter of fuch complaint, whether fuch mafter, miftrefs, or employer fhall appear, or not; proof being made, upon oath, of his or her being duly fummoned; and upon proof thereof made, upon oath, to his or their fatisfaction, to difcharge fuch fervant, artificer, handicraftfman, miner, collier, keelman, pitman, glaffman, potter, or other labourer, of and from his faid fervice and employment; which difcharge fhall be given under the hand and feal, or hands and feals, of fuch juftice or juftices *gratis*.

Juftices to hear mafters complaints on oath;

and to punifh the offender by commitment, abatement of wages, or difmiffion.

Juftices to hear fervant's complaints on oath,

and to fummon the mafter, &c.

and upon fatisfactory proof, to difcharge the fervant.

III. And be it further enacted by the authority aforefaid,

Justices upon  
complaint of  
certain ap-  
prentices,

to summon  
the master, &c

and upon fa-  
tisfactory  
proof, to dis-  
charge the ap-  
prentice.

Justices upon  
complaint of  
masters a-  
gainst ap-  
prentices,

and proof up-  
on oath,  
to punish the  
offender by  
commitment,  
&c.

Persons ag-  
grieved may  
appeal.

Exception.

Costs not to  
exceed 40s.

No writ of  
*Certiorari*.

Stannaries not  
included.

27 Geo. 2. c. 6. wall.

That it shall and may be lawful to and for any two or more such justices, upon any complaint or application by any apprentice put out by the parish, or any other apprentice, upon whose binding out no larger a sum than five pounds of lawful *British* money was paid, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment of or towards such apprentice, by his or her master or mistress, to summon such master or mistress to appear before such justices at a reasonable time to be named in such summons; and such justices shall and may examine into the matter of such complaint; and upon proof thereof made, upon oath, to their satisfaction (whether the master or mistress be present or not, if service of the summons be also, upon oath, proved) the said justices may discharge such apprentice, by warrant or certificate under their hands and seals; for which warrant or certificate no fees shall be paid.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such justices, upon application or complaint made, upon oath, by any master or mistress, against any such apprentice, touching or concerning any misdemeanour, miscarriage, or ill-behaviour, in such his or her service (which oath such justices are hereby empowered to administer) to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice, in manner and form before mentioned.

V. Provided nevertheless, That if any person or persons shall think himself, herself, or themselves aggrieved by such determination, order, or warrant of such justice or justices as aforesaid (save and except any order of commitment) he, she, or they may appeal to the next general quarter sessions of the peace to be held for the county, riding, liberty, city, town corporate, or place where such determination or order shall be made; which said next general quarter sessions is hereby empowered to hear and finally determine the same, and to give and award such costs to any of the respective persons, appellant or respondent, as the said sessions shall judge reasonable, not exceeding forty shillings; the same to be levied by distress and sale in manner before mentioned.

VI. Provided also, and be it further enacted by the authority aforesaid, That no writ of *Certiorari*, or other process, shall issue or be issuable to remove any proceedings whatsoever, had in pursuance of this act, into any of his Majesty's courts of record at *Westminster*.

VII. Provided always, That nothing in this act contained shall extend to the stannaries in the counties of *Devon* and *Corn-*

## CAP. XX.

*An act for relief of fuch of his Majesty's loyal fubjects, in that part of Great Britain called Scotland, whofe title deeds and writings were destroyed or carried off by the rebels in the late rebellion.*

**W**HEREAS a moft audacious and wicked rebellion was lately raifed and carried on againft his Majesty in favour of a popifh pretender, and in profecution thereof many perfons affembled in a traiterous and hoftile manner, marched into feveral parts of this kingdom, took poffeffion of feveral towns, and raifed contributions upon the country, and committed many ravages and devaftations upon the eftates and effects of his Majesty's faithful fubjects, in fupport of their rebellious infurrection; and in that part of Great Britain called Scotland, proceeded in a malicious, cruel, and barbarous manner, againft feveral of his Majesty's fubjects, who diftinguifhed themfelves by their zeal and loyalty to his Majesty's perfon and government at that critical juncture, by destroying or carrying off the rights and fecurities of their lands and heretages, and by destroying or carrying off their other writs and evidents, the inftructions of the payment, and extinction of the debts and incumbrances, affecting their perfons and eftates, to the ruin of his Majesty's faid loyal fubjects, and of their families and pofterity, and to the difcouragement of the like zeal and loyalty to his Majesty, and his royal fucceffors in future times, unlefs a proper remedy is provided by authority of parliament; be it therefore enacted, &c.

Persons in Scotland, who continued in their duty to his Majesty, and whofe houfes were invaded by the rebels, may on or before 1 July, 1750. petition the court of feflion. The court of feflion to intimate the fame; and fummon perfons interefted. Execution of fummmons to be recorded. The day of comparance elapfed, the court to take probation of the facts. Petitioner's oath to be taken. Original petitioner dying, the oath of his heir to be admitted. Lords of the feflion, upon proof of the premisses, to decern the extrafts of the charters, &c. to be valid as the originals. Court of feflion to make up the tenor of the difpofitions upon which the petitioner's infettments proceeded, &c. Extrafts of the charters, &c. authorized by the lords of feflion to be good in law. Perfons interefted may object to the authorizing the extrafts, &c. Claims to his Majesty, or any other perfons, preceding 1 Auguft, 1745, againft the perfon or eftate of any loyal fubjects, whofe dwelling-houfes were invaded by the rebels, and whofe writs were carried off or destroyed, upon which no procefs has been already commenced, or fhall not be brought on or before the 15th of November, 1748, are difcharged, unlefs the claim be proved by the oath of the defendant. Determinations to be recorded. *Amended by 21 Geo. 2. c. 17.*

## CAP. XXI.

*An act for holding the summer affizes, and fessions of the peace, for the county of Norfolk, in the city and county of Norwich, until a new shire house can be built for the said county of Norfolk; and for building a new shire house on the castle hill in the same county; and for raising money on the said county for that purpose.*

**W**HEREAS the shire house of the county of Norfolk, late situate on the castle hill in the said county, in which the summer affizes, and general quarter fessions of the peace of and for the said county, have been always holden, and other publick business of the said county transacted, hath, by accident, been lately entirely burnt down: and whereas it is absolutely necessary, that a new shire house should be erected there for the purposes aforesaid; but the same cannot be rebuilt, completed, and finished, against the next summer affizes to be holden for the said county of Norfolk, which will be in the year of our Lord one thousand seven hundred and forty seven; and there is no place so convenient for the holding such summer affizes, and the general quarter fessions of the peace, and for transacting other publick business for the said county of Norfolk, as the city of Norwich, which lies in or near the centre of the said county; but the said city being a county of itself, distinct from the said county of Norfolk, the said affizes, or fessions of the peace for the said county of Norfolk, cannot, by any law now in being, be held within the said city and county of Norwich: and whereas the mayor, sheriffs, citizens, and commonalty of the said city of Norwich, in common council assembled, have consented to the holding of the said affizes and fessions within the city and county of Norwich aforesaid; be it therefore enacted, &c.

The summer affizes, and fessions of the peace for the county of Norfolk to be held at Norwich. The shire house of Norfolk to be rebuilt, &c. at the county charge. Quarter fessions to contract for building thereof. Money to be raised by a general rate.

## CAP. XXII.

*An act for building a bridge cross the river Thames, from the parish of Walton upon Thames in the county of Surrey, to Shepperton in the county of Middlesex.*

Samuel Dicker esquire, impowered to build a bridge from Walton to Shepperton. Open passage to be left for the water to pass 212 feet. Burning or destroying the bridge, or taking away, &c. any of the works, felony. Pontage to be paid. For every coach, or other vehicle, drawn by 6 horses, 2s. by 4 horses 1s. 6d. by less than 4 horses, 1s. For every waggon, cart, or carriage drawn by 4 horses or oxen, 1s. 6d. and by less than four, 1s. For every horse, &c. not drawing, 1d. For every foot passenger, 2q. For every drove of neat cattle, 12d. per score. For every drove of calves, hogs, sheep, or lambs, 6d. per score. Tolls vested in Mr. Dicker, to be paid but once a day. Owners names to be set on the outside of every vessel, and the name of the town and parish where he belongs. The bridge to be deemed extraparochial. Surrey and Middlesex exempted from repairing the bridge. Rights of the mayor and city of London saved.

CAP.

## CAP. XXIII.

An act for repairing the road leading from Cirencester, in the county of Gloucester, to Birdlip's Hill, in the said county.

*Certain tolls granted for 21 years.*

## CAP. XXIV.

*An act for the better securing the payment of shares of prizes taken from the enemy, to the royal hospital at Greenwich; and for preventing the embezzlement of goods and stores belonging to the said hospital.*

WHEREAS by an act made in thirteenth year of his present Majesty's reign, intituled, An act for the more effectual securing and encouraging the trade of his Majesty's British subjects in America; and for the encouragement of seamen to enter into his Majesty's service, the sole interest and property of and in all and every ship, vessel, goods, and merchandizes taken from the Spaniards is given to the flag officers, commanders, and other officers, seamen, marines, and soldiers on board every ship and vessel of war in his Majesty's pay, and privateer; (being first adjudged lawful prize in any of his Majesty's courts of admiralty in Great Britain, or in his plantations in America, or elsewhere) and divers rules and regulations are therein established for the adjudication and condemnation of prizes taken from the Spaniards; and by the said act a bounty is given to the officers, seamen, marines, soldiers, or others, that shall have been actually on board such of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateer, shall be taken from the enemy, sunk, burnt, or otherwise destroyed: and whereas by an act made in the seventeenth year of his said present Majesty's reign, intituled, An act for the better encouragement of seamen in his Majesty's service, and privateers, to annoy the enemy; it was found necessary, that the same encouragement should be given for the captors of French ships, vessels, goods, and merchandizes, and the same rules and regulations should be observed in the adjudication and condemnation of prizes taken from the French: and to the end that his Majesty's most gracious intentions might have full force and effect, and for the better carrying on the said war against France with vigour, and for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other British ships and vessels, having commissions, or letters of marque; and for inducing all British seamen, who might be in any foreign service, to return into this kingdom, and become serviceable to his Majesty; and for the more effectual securing and extending the trade of his Majesty's subjects, it was enacted, That the flag officers, commanders, and other officers, seamen, marines, and soldiers on board every ship and vessel of war in his Majesty's pay, should have the sole interest and property of and in all and every ship, vessel, goods, and merchandizes, which they had taken on or since the twenty ninth day of March, in the year of our Lord one thousand seven hundred and forty four, or should thereafter

13 Geo. 2. c. 4.

17 Geo. 2. c. 34.

take (being firſt adjudged lawful prize in any of his Maſteſty courts of admiralty in Great Britain, or his plantations in America, or elſewhere) to be dividid in ſuch proportions, and after ſuch manner, as his Maſteſty, by his declaration bearing date the twenty ninth day of March, one thouſand ſeven hundred and forty four, had ordered and directed, or in ſuch proportions, and after ſuch manner, as his Maſteſty, his heirs and ſucceſſors, ſhould think fit to order and direct by proclamation or proclamations thereafter to be iſſued for that purpoſe; and by the ſaid act a bounty is likewiſe given to the officers, ſeamen, marines, ſoldiers, or others, that ſhall have been actually on board ſuch of his Maſteſty's ſhip or ſhips of war, or privateer or privateers, in any action where any ſhip or ſhips of war, or privateers, ſhould be taken from the enemy, ſunk, burnt, or otherwiſe deſtroyed: and it was further enacted, That after the ſale or ſales of ſuch prize or prizes as ſhould be taken from the enemy by any of his Maſteſty's ſhips of war, publick notification ſhould be given by the perſons or agents appointed as thereby is directed, of the day appointed for the payment of the ſeveral ſhares of the captors aforeſaid; after which publick notification, if any mens ſhares ſhould remain in the hands of the perſons or agents appointed as aforeſaid, either belonging to ſuch men as ſhould be run from his Maſteſty's ſervice, or which ſhould not be legally demanded within three years; then ſuch ſhare or ſhares ſo remaining in the perſons or agents hands, or belonging to ſuch men as ſhould run from his Maſteſty's ſervice, ſhould go and be paid to the uſe of Greenwich Hoſpital: and whereas by the above recited act of the thirteenth year of his preſent Maſteſty, the ſhares of prizes belonging to run-men are not expreſſy granted to Greenwich Hoſpital, whereby the ſaid hoſpital loſeth the benefit of all ſuch ſhares of run-men, of and in all prizes taken from the Spaniards, on or ſince the fourth day of January, in the year of our Lord one thouſand ſeven hundred and thirty nine, in Europe; and on or ſince the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and forty, in any other part of the world; and ſome doubt may ariſe whether the ſhares of prizes belonging to men running from their ſhips, after adjudication and condemnation of ſuch prizes, ſhall be forfeited by the ſaid claufe in the ſaid laſt recited act: for remedy whereof, and to the intent that all and every the ſhares of prizes belonging to run-men, as well after as before adjudication and condemnation, and as well thoſe taken from his Maſteſty's enemies, on or ſince the fourth day of January, in the year of our Lord one thouſand ſeven hundred and thirty nine, in Europe, and on or ſince the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and forty, in any other part of the world, as thoſe taken on or ſince the twenty ninth day of March, one thouſand ſeven hundred and forty four, may be given, and go to, and be paid to the uſe of Greenwich Hoſpital aforeſaid; be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That no perſon or perſons who, on the fourth day of January, in the year of Lord one thouſand ſeven hundred and thirty nine,

Perſons ſerving on board the fleet, &c. ſince 4 Jan. 1739.

or

or at any time since did belong, or now does or do belong, or at any time hereafter shall belong, to any of his Majesty's ships or vessels of war, or to any merchant ship employed in his Majesty's service, and hath or have, at any time heretofore, or shall at any time hereafter, run away, or withdraw him or themselves from the ship or vessel by which any prize or prizes shall be taken from any of his Majesty's enemies, or otherwise from his Majesty's service, before or after notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors of the said prize or prizes, shall have, or be intitled to have or claim any interest in, or benefit of the said share or shares of the said prize or prizes, or the bounty-money aforesaid, or any part thereof; but such share and shares of such prize and prizes, and bounty-money, shall go and be paid to the use of *Greenwich Hospital*.

who shall quit their ships,

to forfeit their claim,

to the use of Greenwich Hospital.

II. Provided always, That if any person or persons shall or do run away, or withdraw him or themselves from any such ship or vessel as aforesaid, after notification given as aforesaid, he or they shall only forfeit and lose such part of his and their share and shares of the said prize and prizes, and bounty-money, as shall be remaining in the said agent or agents hands, at the time of his and their running away, or withdrawing him or themselves; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Share of the Prize money in the agents hands to be only forfeited.

III. *And as several persons may have bought the shares of prizes of run-men, for a consideration a great deal under the real value thereof, which hath much encouraged seamen to quit and leave their ships, and his Majesty's service;* be it enacted by the authority aforesaid, That the vendee or vendees, assignee or assigns of such share and shares, and bounty-money, or either of them, as is and are, or shall be, on or before the first day of June, in the year of our Lord one thousand seven hundred and forty seven, *bona fide* actually bought and assigned, shall, on the payments of the same, be allowed the full consideration-money, he and they really and *bona fide* gave for the same, and interest after the rate of five pounds *per centum*, which shall have accrued due from the day of the payment of the said consideration-money, to the time or times of payment of such share and shares, and bounty money, according to the direction of this act, or the several acts herein recited, or any of them, and no more; and that the surplus of the said share and shares, and bounty-money, in the said agents hands, after the real consideration and interest for the same shall have been paid and satisfied, shall be paid to the treasurer of the said royal hospital at *Greenwich*, or his deputy or agent, for the use of the same; and for the better ascertaining the whole and true sum of the consideration-money *bona fide* paid, the vendee or assignee of every such share of run-men now actually bought, if living, and if dead, then his and their respective representative and representatives to the best of their knowledge and belief, shall make an affidavit

Persons who bought the shares of prizes of run-men,

on or before 1 June, 1747, to be allowed the consideration-money, and interest, at 5 l. *per cent.*

the surplus of such shares, &c. to be paid to the treasurer of Greenwich Hospital.

Affidavit to be made of the sum of consideration money paid;



affidavit before ſome or one of the judges of the courts of *King's Bench*, or *Common Pleas*, at *Weſtmiſter*, or before ſome or one of the barons of the *Exchequer*, or ſome commiſſioner of the ſame courts in the country in *Great Britain*, and in any other parts of his Maſteſty dominions, before ſome or one of the judges of the courts of law or equity there, or before ſome other perſon or perſons authorized by thoſe courts to take affidavits, of the real conſideration-money paid for the ſaid ſhare or ſhares, and of the true and real days and times of the execution of ſuch assignments by the assigners thereof, and which affidavits ſo ſworn and taken, ſhall be filed in the ſaid courts where ſworn; and all perſons who ſhall wilfully and corruptly ſwear falſly in ſuch affidavits, ſhall be guilty of, and tried, and puniſhed as for wilful and corrupt perjury; and that no bill of ſale or assignment now made and executed, or which ſhall be made and executed on or before the ſaid firſt day of *June*, of the ſhare and ſhares of any prize or bounty-money to which ſuch perſons as aforeſaid are or ſhall, before the ſaid firſt day of *June*, be intitled, ſhall be deemed good and valid in law or equity, wherein the true or real ſum and ſums of money given and paid for ſuch ſhare and ſhares to the ſaid captor or captors, vendor or vendors thereof, hath or have not been, or ſhall not be inſerted in the ſaid bill of ſale or assignment before the execution thereof, and proved on oath in manner aforeſaid.

and the time of executing the assignments.

Penalty on making falſe affidavits,

No bill of ſale &c. to be valid, where the conſideration-money is not inſerted, and atteſted on oath.

Bills of ſale, &c. of prizes, made after 1 June, 1747, to be void.

IV. And for the future preventing ſuch impositions on ſeamen, marines, and ſoldiers, and thereby encouraging them to quit and leave their ſhips, and his Maſteſty's ſervice; and for better encouragement of ſeamen, marines, and ſoldiers to continue in his Maſteſty's ſervice, be it further enacted, That all and every bargain, ſale, bill of ſale, contract, agreement, and assignment whatſoever, of, for, or concerning any ſhare or ſhares of any prize or prizes taken or to be taken from any of his Maſteſty's enemies, by any of his Maſteſty's ſhips or veſſels of war, or by any merchant ſhip employed in his Maſteſty's ſervice, or having letters of marque, or of, for, or concerning any ſhare or ſhares of any bounty-money given in and by the ſaid recited acts, where any ſhip or ſhips of war or privateers belonging to his Maſteſty's enemies ſhould be taken, ſunk, burnt, or otherwiſe deſtroyed, which ſhall at any time after the ſaid firſt day of *June*, be made or entered into, ſhall be, and is and are hereby declared to be void and of none effect, to all intents and purpoſes whatſoever; any law, ſtatute, cuſtom, or uſage, to the contrary thereof in any wiſe notwithstanding.

Agents to pay the captors, &c. their ſhares, &c. without regard to bills of ſale, &c.

V. And the ſaid perſons, or agents for prizes, appointed as by the ſaid recited acts are directed, are hereby reſpectively authorized, directed, and required to pay, or cauſe to be paid to all ſuch ſeamen, marines, and ſoldiers, as ſhall appear in perſon, or in their abſence to their lawful attorney, impowered by them reſpectively, in the manner as is herein after directed, or to the executors or administrators of ſuch ſeamen, marines, and ſoldiers, or their reſpective attorney or attorneys, duly authorized

ed in fuch manner as is herein after directed, the refpective fhare or fhares of fuch prize or prizes, and bounty-money as aforefaid, refpectively due to them, without regard to any bargain, fale, bill of fale, contract, agreement, or affignment whatsoever, hereafter to be made of, for, or concerning the fame.

VI. And be it further enacted, That no letter of attorney, from and after the faid firft day of *June*, made by any feaman, marine, or foldier, belonging to any of his Majefty's fhips or veffels of war, or to any merchant fhip in his Majefty's fervice, or otherwife in the fervice of his Majefty, his heirs or fucceffors, or having letters of marque, or belonging to any privateer, or by the executors or administrators of any fuch feaman, marine, or foldier, in order to impower and intitule any perfon or perfons to receive any fhare or fhares of any prize or prizes, or bounty-money as aforefaid, of any kind whatsoever now due, or at any time hereafter to grow due to any feaman, marine, or foldier, fhall be good and valid, and fufficient for that purpofe, unlefs fuch letter of attorney be made revokable, and for the ufe of fuch feaman, marine, or foldier making the fame, and unlefs the fame be figned and executed before, and attested by the captain or commander, and one other of the warrant or figning officers of the fhip to which fuch feaman, marine, or foldier making the fame fhall belong, or the clerk of the cheque of one of his Majefty's dock-yards, or the mayor or chief magiftrate of fome corporation.

After 1 June, 1747, letters of attorney to be made revocable.

and attested by the captain, &c.

VII. *And whereas neither by the faid recited act of the thirteenth year of his prefent Majefty's reign, nor by the faid act paffed in the faid feventeenth year of his faid Majefty, any fufficient provision is made to oblige fuch agents, or other perfons, to difcover and duly account for the money remaining in their hands, due or to become due and payable to the faid hofpital: now, for the better and more effectual preferving and fecuring all fuch intereft and fhares of the faid prizes, given and granted by the above recited acts, or either of them, and hereby given and granted to and for the ufe of the faid hofpital, and for the more certain collecting and receiving the fame; be it enacted by the authority aforefaid, That all and every perfon and perfons, agent and agents, and others, who have fold and difpofed of, or fhall hereafter fell or otherwife difpofe of, any prize or prizes fo taken as aforefaid, or which hereafter fhall be fo taken from any of his Majefty's enemies, fhall, within the fpace of three calendar months next after the day to be appointed for the firft payment or diftribution to the captors of fuch prize or prizes, made in purfuance of fuch publick notification, make out and tranfmit, or deliver unto the treafurer of the faid royal hofpital at *Greenwich* for the time being, or to fuch perfon or perfons as he fhall for that purpofe depute or appoint, a true ftate and account in writing, under the hand or hands of fuch agent or agents, or perfon or perfons fo employed, of the produce of all fuch prize and prizes as aforefaid, together with an account of the payments of the feveral fhares of the captors, as fhall then have been really and*

Agents, &c. to tranfmit an account to the treafurer of Greenwich Hofpital, within 3 months after the firft payment, of the produce of the prizes;

and of the payments of the fhares. Perfons ap-

bong

pointed to receive bills for bounty, to transmit a like account.

Agents, &c. within 3 months after the expiration of the 3 years limited, to make out an account of the produce of prizes, and payments of shares;

and to deliver the same, with the sums remaining in their hands, to the treasurer of Greenwich Hospital, &c.

under penalty of 100l.

Disposal of the forfeitures.

*bona fide* by him or them respectively paid; and also that all and every person and persons authorized and appointed by the said acts, or this present act, to receive bills for the bounty granted by the said recited acts, shall, within the like space of three calendar months next after the day appointed for the first payment or distribution of such bills for the bounty as aforesaid, in like manner make out and transmit, or deliver to the treasurer for the time being of the said hospital, or to his sufficient deputy, a true state and account in writing, under his or their hand or hands, of the payment and distribution of such bills; and further, that all and every person and persons, agents, and others, that by virtue of the said acts have or have sold and disposed of, or that shall hereafter sell or dispose of any prize or prizes taken from the enemy, or which shall at any time or times hereafter be taken from the said enemy by any of his Majesty's ships or vessels of war, or that shall receive or dispose of any bill or bills for bounty, such person and persons, agents, and others, so selling and disposing thereof, shall, within the space of three calendar months next after the expiration of the term of three years limited by the said acts, make out an exact account in writing, of the produce of such prize and prizes, bill and bills for bounty, as also of the payments of the several shares to the respective captors, together with a true and just account, upon oath, to be taken before the treasurer of the said hospital for the time being, or any other person or persons by him for that purpose deputed and authorized in writing, under his hand and seal (which oath the said treasurer of the said hospital, and his sufficient deputy and deputies authorized as aforesaid, is and are hereby authorized and empowered to administer) of all sum and sums of money as shall be then remaining in such agent or agents, or persons custody, power, or possession; and shall at the same time deliver, or cause to be delivered, to the treasurer of the said hospital for the time being, or to his sufficient deputy or agent, the said accounts so attested upon oath as aforesaid, together with all such remaining sum and sums of money, then so left and remaining in his or their hands as aforesaid, taking from the said treasurer, or his proper deputy or agent, his or their acquittance or acquittances for the same.

VIII. And be it further enacted, That all and every the person and persons hereby directed to transmit or deliver all or any the accounts before mentioned, who shall neglect or refuse to transmit or deliver all or any such account or accounts to the treasurer of the said hospital, or his said deputy or agent, within the times before limited and appointed, in manner and form as is herein before mentioned, or who shall neglect or refuse to pay over all and every such sum and sums of money as shall remain in his or their hand or hands, power, custody, or possession, after the term of three years, to be accounted as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above the money then in such agents hands; one third part whereof shall belong to his Majesty, and the remain-

ing

ing two thirds to the said royal hospital; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; in which no effoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

IX. And be it further enacted, That if any fraud, collusion, or deceit shall be wittingly or willingly made, used, committed, permitted, done, or suffered, in making, stating, or ballancing any such accounts; then every person or persons who shall be thereof duly convicted, and his and their aiders and abettors, shall forfeit and pay, for every such offence, over and above the penalties and punishments inflicted by this, or any other or former law, the sum of one hundred pounds; one third part whereof to be to the use of his Majesty, and one other third to the use of the said hospital, and the other third to the informer who shall sue for the same; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any court of record; in which no effoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

Persons convicted of making false accounts,

to forfeit 100l.

Disposal of the forfeiture.

X. And whereas by the above recited acts made in the thirteenth and seventeenth years of his said present Majesty's reign respectively, as a further encouragement of the officers, seamen, marines, soldiers, and others on board any of his Majesty's ships of war, as also of privateers, to attack, take, and destroy any ships of force belonging to the enemy, it was enacted, That there should be paid by the treasurer of his Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof, without fee or reward, unto the officers, seamen, marines, soldiers, or others, that should have been actually on board such of his Majesty's ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, should have been taken from the enemy, sunk, burnt, or otherwise destroyed, five pounds for every man which was living on board any ship or ships so taken, sunk, burnt, or otherwise destroyed, at the beginning of the engagement between them, the numbers of such men to be proved by the oaths of three or more of the chief officers or men, which were belonging to the said ship or ships of war, or privateers of the enemy, or belonging to any of them at the time of her or their being taken as prize, sunk, burnt, or otherwise destroyed, before the mayor, or other chief magistrate of the port within any of his Majesty's dominions, whercunto any prize, or officers, or men of such ships as were sunk, burnt, or otherwise destroyed, should be brought, or before the British consul, or vice consul, residing at any neutral port, to which such prize, or officers, or men should be brought, which oaths the said mayor, or other chief magistrate of any such port, or consul, or vice consul, were thereby impowered and required to administer, and should forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy, upon producing which certificate to the commissioners of his Majesty's navy, together with an authentick copy of the condemnation of such ship so taken, or if such ship be sunk, burnt, or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate, or consul,

13 Geo. 2.

c. 4. s. 15.

27 Geo. 2.

c. 34. s. 18.

conſul, or vice conſul, as aforeſaid, the ſaid commiſſioners of his Ma-  
 jeſty's navy, or ſuch perſon or perſons as they ſhould appoint for that  
 purpoſe, ſhould according to the courſe of the navy, within fifteen  
 days make out bills for the amount of ſuch bounty, directed to the  
 treaſurer of the navy, payable to, and to be divided amongſt the offi-  
 cers, ſeamen, marines, and ſoldiers on board his Maſteſty's ſhips of  
 war, in manner, form, and proportion, as by his Maſteſty's procla-  
 mation to be iſſued for that purpoſe, ſhould be directed and appointed;  
 and amongſt the owners, officers, and ſeamen of any private veſſel,  
 or ſhip of war, in ſuch manner and proportion, as by an agreement  
 in writing they ſhould have entered into for that purpoſe, ſhould be  
 directed: and whereas ſome doubt has ariſen, whether ſuch oaths, re-  
 lating to the ſaid bounty-money, and the certificate thereon granted,  
 could be adminiſtered and granted by any mayor or chief magiſtrate,  
 conſul, or vice conſul, of any port, other than the firſt port to which  
 ſuch prize or prizes, or officers or men ſhould be firſt brought; and it  
 has ſometimes happened, that ſuch oath and certificate could not be  
 adminiſtered and granted at the firſt port where ſuch prize or prizes,  
 or officers or men have been brought, whereby the officers, ſeamen,  
 marines, and ſoldiers of his Maſteſty's ſhips and veſſels of war, pri-  
 vateer and privateers, by which the ſhips of his Maſteſty's enemies  
 have been taken, burnt, ſunk, or otherwiſe deſtroyed, have been to-  
 tally deprived of the benefit of the ſaid bounty-money: for remedy  
 whereof, be it enacted by the authority aforeſaid, That in all  
 ſuch caſes, where ſuch oath and certificate could not, or here-  
 after cannot be adminiſtered and granted at the ſaid firſt port,  
 ſuch oath or oaths relating to any prize or prizes taken, or to be  
 taken, or to any ſhips of his Maſteſty's enemies ſunk, burnt, or  
 otherwiſe deſtroyed, or hereafter to be ſunk, burnt, or otherwiſe  
 deſtroyed, ſhall and may be adminiſtered and taken by and before  
 the mayor or other chief magiſtrate of any port within any of  
 of his Maſteſty's dominions, or by or before the *British* conſul,  
 or vice conſul, reſiding at any neutral port, whereunto any prize  
 or prizes, or officers or men of any ſhips belonging to his Ma-  
 jeſty's enemies, as have been, or ſhall be taken, ſunk, burnt,  
 or otherwiſe deſtroyed, ſhall at any time hereafter be brought  
 (proof being firſt made by affidavit before ſuch perſon or per-  
 ſons, of the inability of making ſuch oath or oaths, and obtain-  
 ing ſuch certificate, at the ſaid firſt port) and the mayor, or  
 other chief magiſtrate, conſul, or vice conſul, ſhall thereupon  
 grant ſuch certificate and certificates, as by the ſaid recited acts  
 are directed; which certificate and certificates ſhall be good and  
 effectual to all intents and purpoſes, as if the ſame were granted  
 by the mayor, or chief magiſtrate, conſul, or vice conſul,  
 of the port to which ſuch prize or prizes, officers or men as  
 aforeſaid, have been or ſhall be firſt brought; any thing in the  
 ſaid recited acts to the contrary thereof in any wiſe notwith-  
 ſtanding.

Where an  
 oath and cer-  
 tificate cannot  
 be granted at  
 the firſt port,  
 they may be  
 taken before  
 the magiſtrate  
 of any other.

Proof to be  
 made of their  
 inability of  
 making the  
 oath. &c. in  
 the firſt port.  
 Certificate to  
 be granted  
 thereon.

persons who since the commencement of the present war against Spain, had, or had been, or then were, or thereafter should be, appointed agent or agents for any prize or prizes taken by any ship or ships of war belonging to his Majesty, or for receiving the said bounty-money, and which prize or prizes had been or should be condemned in the high court of admiralty of England, should exhibit, and cause to be registered in the said high court of admiralty, his or their respective letter or letters of attorney, appointing him or them agent or agents (who had not already done the same) and if any person or persons, so as aforesaid appointed agent or agents (who had not already done the same) should refuse or neglect so to do on or before the first day of August, one thousand seven hundred and forty five; or if any person or persons thereafter to be appointed agent or agents for the purposes aforesaid, should refuse or neglect to exhibit, and cause to be registered in the said high court of admiralty, his or their respective letter or letters of attorney, appointing him or them agent or agents as aforesaid, for the space of six calendar months after sentence of condemnation of any prize should be given in the said high court of admiralty, for the care, and distribution of which he or they shall be appointed agent or agents; such person or persons so refusing or neglecting, shall forfeit the sum of five hundred pounds, to be recovered by him or them who shall sue for the same, by action of debt, plaint, or information, in any court of record in Great Britain, in which no essoin, protection, or wager of law, or more than one imparlance, should be allowed: and whereas the last above recited clause does not extend the benefit of this registry, or require the agents of prizes in his Majesty's plantations in America, or elsewhere, to exhibit, and cause to be registered, their letters of attorney in the courts of admiralty there, as is done here in England; by which means the said royal hospital does not receive the whole benefit accruing to it from prizes, nor is the purpose of making such letters of attorney evidence of the agency of such person or persons, to whom the same is made, in his Majesty's courts of record, thereby fully answered; be it therefore further enacted by the authority aforesaid, That all and every person and persons, who since the commencement of the present war against Spain and France respectively, has or have been, or now is or are, or hereafter shall be, appointed agent or agents for any prize or prizes taken by any ship or ships, vessel or vessels of war, or by any merchant ship or ships employed in his Majesty's service, or having letters of marque, or for receiving the bounty-money by the said recited acts granted, and which prize or prizes hath or have been, or hereafter shall be condemned in the high court of admiralty in Great Britain, or in any of the courts of admiralty in any of his Majesty's plantations in America, or in any other of his Majesty's dominions, or elsewhere, shall exhibit, and cause to be registered in the high court of admiralty in Great Britain, or in the respective courts of admiralty in America, or in any other of his Majesty's dominions, or elsewhere, where the said prize and prizes, and every of them, hath or have been, or shall be condemned, appointing him or them agent or agents for the purposes aforesaid,

Agents to register their letters of attorney in the court of admiralty in Great Britain, before 1 Aug. 1747.

and in America, &c. before 1 Oct. 1747, or where the prizes shall be condemned,

ſaid, unleſs he or they have reſpectively done the ſame; and if any perſon or perſons, ſo as aforeſaid appointed agent or agents (who have not already done the ſame) ſhall reſuſe or neglect ſo to do, on or before the firſt day of *Auguſt*, one thouſand ſeven hundred and forty ſeven, in *Great Britain*, and ~~on or before~~ the firſt day of *October*, one thouſand ſeven hundred and forty ſeven, in *America*, or other his Maſteſty's dominions; or if any perſon or perſons, hereafter to be appointed agent or agents for the purpoſes aforeſaid, ſhall reſuſe or neglect to exhibit, and cauſe to be regiſtered in any of the courts of admiralty aforeſaid, his or their reſpective letter or letters of attorney, appointing him or them agent or agents as aforeſaid, for the ſpace of ſix calendar months after ſentence of condemnation of any prize or prizes ſhall be given in any of the ſaid courts of admiralty, for the care and diſtribution of which he or they ſhall be appointed agent or agents; ſuch perſon or perſons, agent or agents, reſuſing or neglecting, ſhall forfeit the ſum of five hundred pounds; to be recovered by him or them who will ſue for the ſame, by action of debt, bill, plaint, or information, in any court of record in *Great Britain*, *America*, or in any other of his Maſteſty's dominions, or elſewhere; in which no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed.

within ſix  
months after  
condemna-  
tion;

under penalty  
of 500l.

Agents ap-  
pointed after  
condemna-  
tion of a prize,  
to regiſter  
their letters of  
attorney with-  
in ſix months.  
&c.

XII. Provided always, That if any agent or agents ſhall be appointed after the time any ſentence of condemnation in any of the ſaid courts of admiralty ſhall be given, ſuch agent or agents ſhall, under the aforeſaid penalty, regiſter, or cauſe to be regiſtered, in manner aforeſaid, his or their reſpective letter or letters of attorney, appointing him or them agent or agents as aforeſaid, within the ſpace of ſix calendar months after the date of his or their ſaid letter or letters of attorney.

Registers in  
the courts of  
admiralty in  
*America*, &c.  
ſhall yearly  
transcribe all  
letters of at-  
torney regiſ-  
tered in ſuch  
courts, &c.  
and tranſmit  
the ſame to  
the treaſurer  
of *Greenwich*  
Hoſpital;

XIII. And be it further enacted by the authority aforeſaid, That the regiſter or registers of all and every the court and courts of admiralty in any of his Maſteſty's plantations in *America*, or elſewhere, in any other of his Maſteſty's dominions, ſhall, yearly and every year upon the twenty third day of *October*, or within three calendar months next after the ſame, make out and tranſcribe true copies of all and every ſuch letter and letters of attorney, as ſhall be ſo regiſtered in the ſaid court or courts, to which the judge and judges of the ſaid court and courts ſhall affix his and their ſeal of office; and then the ſaid regiſter and registers ſhall tranſmit the ſame to the treaſurer of the ſaid royal hoſpital at *Greenwich*, to be there regiſtered, and to be inſpected by any perſon *gratis*; the charges of which copies, and affixing the ſeal or ſeals thereto, and tranſmitting the ſame to the treaſurer of the ſaid hoſpital, ſhall be paid by the ſaid agent or agents, at the time of making ſuch registry as aforeſaid; and in caſe ſuch regiſter or registers ſhall neglect or reſuſe to tranſcribe and tranſmit ſuch copy and copies of the ſaid letter and letters of attorney, in manner aforeſaid (any ſhip or ſhips in that time ſailing from ſuch port or place, to any port or ports in

*Grea*

*Great Britain*) such register and registers so neglecting or refusing, shall forfeit the sum of five hundred pounds, to be recovered by him or them who will sue for the same, by action of debt, bill, plaint, or information, in any court of record in *Great Britain* or *America*, or in any other of his Majesty's dominions, or elsewhere; in which no essoin, protection, privilege, or wager of law; or more than one imparlance shall be allowed. Penalty 500l.

XIV. And for the more effectual making such letters of attorney evidence of the agency of the person or persons to whom the same are made, be it further enacted by the authority aforesaid, That true copies of such letter and letters of attorney, and of transcripts, under seal, transmitted by the said register or registers of the court and courts of admiralty of his Majesty's plantations in *America*; and elsewhere within his Majesty's dominions, and registered by the said treasurer of *Greenwich Hospital*, shall, from time to time, and at all times hereafter, be good and sufficient evidence of the agency of the person or persons to whom such letter of attorney is or shall be made, and from time to time, and at all times hereafter shall be admitted, without further or other proof thereof, to be legal evidence in all his Majesty's courts of record of law or equity; any law, custom, or usage to the contrary thereof in any wise notwithstanding. Copies of the letters of attorney, &c. good evidence.

XV. And whereas several of the agents for prizes have, since the twenty ninth day of March, one thousand seven hundred and forty four, been vexatiously sued by persons who have been made run in the lists of the names of the officers, seamen, marines, soldiers, or others who were actually on board such of his Majesty's ships or vessels of war, at the taking of such prize or prizes, and which said lists were duly certified after the condemnation of such prize or prizes, and transmitted to the said agents, though the plaintiffs in such suits knew, that by the several acts of parliament herein before recited, and passed in the thirteenth and seventeenth years of his present Majesty, their respective shares of such prizes were forfeited by their running away from the service, and granted to the use of *Greenwich Hospital*, and that the said agents are but the receivers thereof, and have the care and custody of the monies arising by such shares, to and for the benefit of the said hospital, till the end of three years limited by the said acts, and within three calendar months after the expiration of which three years the said agents are obliged by the said acts to account for, and pay over the same to the use of the said hospital, under certain penalties in the said acts contained; which said run-men very often commence these suits before all the times appointed for the payment of the said shares are expired, and being generally paupers, they often discontinue the said suits, and abscond, whereby the said agents are put to great costs in the defence of the same, and have no means of recovering the same, and therefore deduct such costs out of the monies arising from such shares, remaining in their hands, at the time of their accounting with, and paying it to the treasurer of the said hospital, or his deputy, who are not authorized by the said acts to allow the same; nor can the governor and directors of the said



Agents not li-  
able to be ſued  
by perſons  
made run.

till 3 months  
after the 3  
years limited,  
unleſs certi-  
ficates be firſt  
obtained of  
the R's being  
taken off, &c.

*ſaid hoſpital enter into the defence of the ſaid ſuits, whiſt the ſaid monies remain in the ſaid agents hands, till it becomes payable to the ſaid hoſpital, according to the directions of the ſaid acts; be it there- fore enacted by the authority aforeſaid, That no agent or agents ſhall be liable to be ſued, impleaded, or arreſted, by any perſon, or perſons who ſhall hereafter be made run from his Maſteſty's ſervice, in the ſaid liſts tranſmitted to them of, the names of the officers, ſeamen, marines, ſoldiers, or others intitled to ſuch ſhares, till the end of three months next after the expiration of three years, limited by the acts aforeſaid, unleſs the perſon or perſons ſo made run, ſhall obtain a certificate, before any action brought, from the commiſſioners of his Maſteſty's navy, who ſubſcribed and tranſmitted the ſaid liſts, the ſaid agent or agents, or ſome of them, or their proper officer of officers, that the R or R's are taken off, and the forfeitures of ſuch ſhare or ſhares diſcharged, and the ſaid agent or agents, on the producing ſuch certificate or certificates, ſhall reſuſe to pay the ſame, in caſe the ſame be due and payable, according to the directions in his Maſteſty's ſaid declaration, within two months after demand made on ſuch certificate.*

Perſons taking  
to pawn  
clothes, &c.  
belonging to  
the hoſpital.

or changing  
the colour, or  
marks, to for-  
feit 5 l.

*XVI. And whereas ſeveral of the common penſioners and nurſes in the ſaid royal hoſpital of late have pawned or otherwiſe diſpoſed of the wearing clothes, linen, and other goods delivered to them to wear and uſe, during their being penſioners or nurſes of the ſaid hoſpital, and continuing therein, and put the ſaid hoſpital to great charge in redeeming or purchaſing the ſame, and are much encouraged by pawnbrokers and other ill-diſpoſed perſons, for lucre's ſake, ſo to do, though they know the perſon or perſons who pawn or ſell ſuch clothes and linen, by the colour, make, and marks of and in the ſaid clothes and linen, have no abſolute or legal intereſt or property in the ſame; and that the ſaid penſioners and nurſes do often deſert and run away from the ſaid hoſpital, and carry away their clothes and linen with them: therefore for preventing ſuch practices for the future, be it enacted by the authority aforeſaid, That if any pawnbroker or other perſon or perſons ſhall take to pawn, buy, exchange, or receive, any clothes, linen, or other goods or ſtores belonging to his Maſteſty, his heirs or ſucceſſors, or to the governor and directors of the ſaid hoſpital, appropriated to and for the wear of the ſaid penſioners or nurſes during their continuance in the ſaid hoſpital, or belonging thereto, and to the uſe of the ſaid hoſpital, from any of the ſaid penſioners, nurſes, or other perſon or perſons upon any account or pretence whatſoever, or cauſe the colour of ſuch clothes, lincn, or goods to be changed, or the marks thereon to be taken out or defaced, the perſon or perſons ſo offending ſhall forfeit for every ſuch offence the ſum of five pounds upon conviction thereof, by the oath of one or more credible witneſs or witneſſes, before any of his Maſteſty's juſtices of the peace of the county wherein the ſaid offence or offences ſhall be committed; which penalty or penalties of five pounds ſhall be levied by warrant under the hand and ſeal, or hands and ſeals of the ſaid juſtice or juſtices of the peace, by diſtreſs*

distress and sale of the goods and chattels of the said offender or to be levied by offenders; one moiety of which said penalty or penalties shall distress and sale. be paid to the informer or informers, and the other moiety shall go and be paid to the use of the said hospital; and in case any Disposal of the such offender or offenders, who shall be convicted as aforesaid, forfeiture. of having bought, exchanged, received, or taken in pawn any For want of such clothes, linen, or other goods or stores as aforesaid, or of distress of- having caused the colour of such clothes, linen, or goods to be fender to be changed, contrary to the intent of this act, shall not have suf- committed for ficient goods and chattels, whereon distress may be made, to the 3 months; the value of the penalty or penalties recovered against him, her, or them, for such offence or offences, or shall not pay such penalty or penalties within four days after such conviction, then, and in such case, such justice of the peace shall and may, by warrant under his hand and seal, either commit such offender or offenders to the common gaol of the county where such offence or offences shall be committed, there to remain without bail or mainprize for the space of three months, or cause such offender or offenders, to be publicly whipt, at the discretion of such justice; and that if any pensioner, or nurse of the said hospital, shall desert or run away from the same, and carry away with them any clothes, linen, stores, or goods delivered to him, her, or them, to wear and use, whilst they, or any of them, was or were pensioners or nurses of or belonging to the said hospital, or any other clothes, goods, or stores belonging thereto; such person or persons being lawfully convicted thereof, by the oath or oaths of one or more credible witness or witnesses, shall be committed to the common gaol or house of correction, where he, she, or they shall be apprehended, for the space of six months, without bail or mainprize.

or to be publicly whipt.

Pensioners or nurses going off with the hospital clothes, &c. to be committed for six months.

XVII. And be it further enacted by the authority aforesaid, That if at any time or times hereafter, any person or persons shall be sued for any matter or thing done in the execution of this act, or if the governor, master, lieutenant governor, directors, captains, or any other officers of the said royal hospital at *Greenwich*, commonly called the officers of the house, who now are, or at any time hereafter shall be concerned in the government of the said hospital or house, or any steward, minister, servant, or agent, employed or to be employed by the governor, master, lieutenant governor, or directors, in collecting or receiving the rents and revenues of the said house, or in any other matter or thing relating to the said house, or any or either of them, shall be sued for any matter or thing done in the execution of this act, or in any wise relating to the said hospital or house, such governor, master, lieutenant governor, directors, captains, and officers of the said house, and their stewards, ministers, servants, and agents, and each and every of them, shall and may plead the general issue, and give the special matter in evidence; and if upon trial the plaintiff or plaintiffs shall become nonsuit, or if a verdict shall be given against him or them, the defendant or defendants shall recover treble his and their

Persons sued on this act, &c.

to plead the general issue.

Treble costs.

costs of suit, and may levy the same by execution, to be awarded out of the court, where such action or actions shall be brought.

## CAP. XXV.

An act for repairing the high road leading from the town of Stockton upon Tees, to Dailington, and from thence through Winston to Barnard Castle, in the same county.

*Certain tolls granted for 21 years. Enlarged by 22 Geo. 2. c. 51.*

## CAP. XXVI.

An act for reviving and continuing an act passed in the sixth year of the reign of his late majesty King George the First, intituled, *An act for laying a duty of two penny Scots, or one sixth part of a penny sterling, upon every Scots pint of beer or ale vended or sold within the town of Bruntisland, and liberties thereof for increasing the publick revenue of the said town, and for other purposes therein mentioned.*

*The act 6 Geo. 2. c. 8. revived and continued for 31 years.*

## CAP. XXVII.

An act for founding and building a chapel in Wodnesfield, in the parish of Wolverhampton, in the county of Stafford.

## CAP. XXVIII.

An act for repairing the road leading from Eatherick Bridge in the county of York, to Yarm in the said county, and from thence to Stockton in the county of Durham, and from thence through Sedburgh, in the said county of Durham, to the city of Durham.

*Certain tolls granted for 21 years.*

## CAP. XXIX.

An act to confirm an agreement made by the rector and vestrymen of the parish of Saint James within the liberty of Westminster, for enlarging the churchyard of the said parish, and for other purposes therein mentioned.

## CAP. XXX.

*An act for allowing persons impeached of high treason, whereby any corruption of blood may be made, or for imprisonment of such treason, to make their full defence by council.*

**W**HEREAS it is thought reasonable, that persons impeached by the house of commons of high treason, whereby any corruption of blood is made, or for imprisonment of such treason, should have the same benefit and advantage in making their defence, as they may have on indictments, or other prosecutions: the commons therefore humbly pray your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand seven hundred and forty seven, all and every person and persons whatsoever, who shall be impeached by the commons of Great Britain of any high treason, whereby any corruption of blood may or shall be made

to

Council allowed to persons impeached of high treason by the commons.

to any such offender or offenders, or to any the heir or heirs of any such offender or offenders, or for imprisonment of such treason, shall be received and admitted to make his or their full defence by council learned in the law, not exceeding two council, who shall be assigned for that purpose, on the application of the party or parties impeached, at any time after the articles of impeachment shall be exhibited by the commons.

## CAP. XXXI.

An act for continuing the term and enlarging the powers granted by an act passed in the twelfth year of his late Majesty's reign, intituled, *An act for repairing and widening the roads from the city of Gloucester to the city of Hereford*, and for repairing other roads in the county of Gloucester.

*The act 12 Geo. 1. c. 13 continued for 21 years.*

## CAP. XXXII.

*An act for uniting the two colleges of Saint Salvator and Saint Leonard, in the university of Saint Andrews, pursuant to an agreement for that purpose.*

WHEREAS the college of Saint Salvator, in the university of Saint Andrews, consists of a provost or principal master, three professors of philosophy, a professor of Greek, and a professor of humanity, with small salaries annexed to each professorship, and Saint Leonard's college in the same university is likewise composed of a principal master, three professors of philosophy, a professor of Greek, and a professor of humanity, who teach the same arts and sciences, and the said colleges have different large fabrics and rents and emoluments under separate managements: and whereas the parliament of Scotland, in consideration of the low condition of the revenues of these and their universities, and of the mean and contempt provisions of the masters and professors thereof, and from a desire of giving all due encouragement to these seminaries, did, by an act of parliament dated the tenth day of September, one thousand six hundred and seventy two, enact the stipends and benefices of churches that should happen to be vacant for seven years next ensuing the date of the said act, to be employed for the use of the said universities and colleges, the proportion whereof allocated to the said two colleges being no more than fourteen pounds, thirteen shillings, and four pence yearly, and the stipendium of Scotland, considering the small and incompetent provisions and salaries then possessed by the masters and professors of this Majesty's famous and ancient university of Saint Andrews, did, for encouragement and advancement of learning, by another act of the seventeenth of September, one thousand six hundred and eighty one, enact and ordain, that half a month's cess should be imposed upon the land rent in Scotland, to be paid in and stocked for the use of the said university of Saint Andrews, and divided in its just proportions to the several masters and professors in the several colleges therein, by the advice of his Majesty's privy council, from which the sum of one hundred and seventeen pounds, fourteen shillings, and four pence, yearly, arises to the said two colleges: and whereas his late majesty King William was graciously pleased, by a grant bearing date the twenty ninth day of April, one thousand six hundred

and ninety five, to grant to the ſaid principals, profeſſors, and maſters in the ſaid univerſity of Saint Andrews, and to their ſucceſſors in office, the yearly ſum of three hundred pounds, out of the rents and revenues of the biſhopricks in Scotland, and to be applied and diſtributed among them in manner therein mentioned, to commence from Whitſunday, one thouſand ſix hundred and ninety four, and to continue in time coming, and to be paid yearly to the factors of the ſeveral colleges of the ſaid univerſity for the time being, for the uſe and behoof of the ſaid principals, profeſſors, and others, in manner therein appointed, of which the ſum of one hundred and forty pounds was the ſhare allocated to the principals and profeſſors of the ſaid two colleges of Saint Salvator and Saint Leonard. and whereas his preſent Maſteſty was graciouſly pleaſed, from his pious and princely zeal for the good and flouriſhing ſtate of the ſaid univerſity of Saint Andrews, by his royal grant bearing date the ninth day of April, one thouſand ſeven hundred and twenty nine, to grant to the ſeveral principals and profeſſors in the ſaid univerſity, and to their ſucceſſors in office, the yearly ſum of two hundred and ten pounds, to be diſtributed in manner therein ſet forth, to be placed on the eſtabliſhment for civil affairs, in that part of the united kingdom, to commence from Chriſtmas, one thouſand ſeven hundred and twenty ſeven, and from thenceforth to be paid and accounted for to the ſaid ſeveral principals and profeſſors, and their ſucceſſors in office, during his Maſteſty's pleaſure, of which the ſum of one hundred and fifty ſeven pounds, ſixteen ſhillings, and ſix pence, and one third of a penny, was the ſhare allocated to the principals and profeſſors of the ſaid two colleges laſt mentioned, and whereas the preſent ſalaries payable to the maſters and profeſſors of the ſaid two colleges are as follows, viz. to the provoſt or principal of Saint Salvator's college, the yearly ſum of thirty three pounds, ſix ſhillings, and eight pence, including the ſum of eighteen pence, as is his ſhare of his preſent Maſteſty's ſaid bounty, to the three profeſſors of philoſophy and profeſſor of Greek, the yearly ſum of forty ſix pounds each, including the ſum of eleven pound, one ſhilling, and ſix pence halfpenny, as the ſhare for each of his Maſteſty's ſaid bounty, to the profeſſor of humanity, the yearly ſum of thirty nine pound, fourteen ſhillings and ſix pence, and one third of a penny, including the ſum of eleven pound, one ſhilling, and ſix pence halfpenny, as his ſhare of the ſaid bounty, to the principal of Saint Leonard's college, the yearly ſum of one hundred and thirty pounds, two ſhillings, and ſix pence, and one sixth of a penny, including the ſum of eight pound, ſix ſhillings, and ſix pence halfpenny, as his ſhare of the ſaid bounty, to the three profeſſors in the ſaid college, the ſame ſum is reſpectively, with the correſpondent profeſſors in the ſaid college of Saint Salvator, and including the like ſums, as their ſeveral ſhares of the ſaid bounty, to the profeſſor of mathematicks, the yearly ſum of ſixty one pounds, including the ſum of eleven pound, one ſhilling and ſix pence halfpenny, as his ſhare of the ſaid bounty, and to the profeſſor of medicine, the yearly ſum of fifty pounds and ſix pence halfpenny, as his ſhare of the ſaid bounty, and whereas it is ordered that the ſaid bounty, from time to time, be diſtributed by various ſtatutes, and paid annually by augmentation of ſtipend, out of the ſtewards fees in the which were anciently appropriated to the ſaid two colleges, and by means whereof

whereof, the monies ariſing from the ancient and late grants made to the ſaid univerſity, is not more than ſufficient to ſatisfy and diſcharge the ſaid ſmall ſalaries, and other incident expences, and there is no fund ſufficient to maintain or ſupport the fabricks of the ſaid colleges: and whereas the preſent maſters and profeſſors in both the ſaid colleges, taking into their conſideration, that the meanneſs of the preſent ſalaries will diſcourage men of learning and abilities from accepting of vacant profeſſorſhips, and that in the preſent ruinous ſtate and condition of one of the fabricks, the ſame cannot be repaired or ſupported without an expence far exceeding what the publick funds of the ſaid college can afford; and conceiving it to be proper, when they cannot immediately apply a full remedy to this growing evil, at leaſt to attempt laying a foundation which hereafter may ſupport this ſinking, though once flouriſhing univerſity, and give hopes of reſtoring it again to its former luſtre; and after mature deliberation, finding no expedient more probable than the uniting of the ſaid two colleges, and their rents and revenues under one common management, and uniting alſo the corresponding profeſſorſhips in the ſaid two colleges, as the ſame ſhall become vacant by death or reſignation; the ſaid preſent maſters and profeſſors in both the ſaid colleges, have therefore come to an agreement to unite and incorporate the ſaid two colleges, upon ſuch terms as they ſhall ſee may be of general publick benefit, and tend to promote the advancement of learning and better education of youth in the ſaid univerſity: but as ſuch union cannot be effected without the aid and authority of an act of parliament; may it therefore pleaſe your excellent Maſteſty, upon the humble petition of David Gregory, profeſſor of philoſophy, in behalf of himſelf, and of the ſaid joint and principal maſters and profeſſors in the ſaid colleges of Saint Salvator and Saint Leonard, in the ſaid univerſity of Saint Andrew's, that it may be enacted, &c.

The two colleges of St Salvator and St. Leonard united. The lands, &c. belonging thereto, put under the management of a principal and maſters. The funds for the ſalaries to be one common ſtock. The ſeveral powers, &c. of the colleges reſerved. Perſons appointed to be the principal, and profeſſors of the united college. His Maſteſty's bounty made revocable at pleaſure. Privileges granted to the principal of the united college.

## C A P. XXXIII.

An act to enable the pariſhioners of the pariſh of Saint Andrew, Holborn, in the city of London and county of Middleſex, to purchaſe a convenient piece of ground, for an additional burying ground, for the uſe of the ſaid pariſh; and to enable the ſaid pariſhioners to raiſe ſuch ſum and ſums of money as ſhall be neceſſary for that purpoſe.

## C A P. XXXIV.

An act to enable his Maſteſty to allow to the reſiduary legatees of Sir Joſeph Jekyll knight, late maſter of the rolls, deceased, part of the legacy given by his will to the uſe of the Sinking Fund.

WHEREAS by an act made in the twelfth year of the reign of King Charles the Second, intituled, An act impowering the maſter of the rolls for the time being to make leaſes for

years, in order to new build the old houſes belonging to the rolls, reciting, That the manſion-houſe, ground, and tenements, with the appurtenances, belonging to the maſter of the rolls, as maſter of the rolls, were much out of repair, and not capable of improvement, in regard the former maſters of the rolls were not enabled to grant ſuch leaſes, and for ſuch terms, as might encourage tenants to build and to repair, it was enacted, That the maſter of the rolls for the time being, and his ſucceſſors, maſters of the rolls, ſhould have good right, full power, and lawful authority, during the time he or they ſhould continue maſters of the rolls, by writing indented, under hand and ſeal, to grant and make leaſes for one and forty years, or for any leſſer term, to commence from the making of any ſuch leaſes, of all and ſingular the premiſſes, or any part thereof (the chapel of the rolls, with a convenient manſion-houſe, court-yard, garden, ſtable, coach-houſe, and other out-houſes and buildings, fit for the uſe and habitation of the maſter of the rolls only excepted) and that ſuch leaſe and leaſes ſo to be made, ſhould be good and effectual in law, to all intents and purpoſes, as if ſuch maſter of the rolls for the time being, as ſhould ſo make the ſame, had been ſeiſed of the premiſſes of a good eſtate in fee-ſimple, in which act there is a proviſo, That the maſter of the rolls for the time being, or any ſucceeding maſter of the rolls, after the premiſſes had been once letten, according to the power given as aforeſaid, ſhould not make or grant any new or concurrent leaſe, until within ſeven years of the expiration of the leaſe then in being, nor for any leſſer rent than was reſerved upon the former leaſe, nor for any longer term, than for the term of twenty one years from the making ſuch new leaſe: and whereas Sir Harbottle Grimſton baronet, maſter of the rolls, did, by virtue of the powers given to him by the ſaid act as maſter of the rolls, grant building leaſes of part of the ſaid ground belonging to the rolls, for the term of forty one years, and other leaſes of other parts thereof, for the term of twenty one years: and whereas Sir Joſeph Jekyll knight, deceased, was by letters patent, under the great ſeal of Great Britain, bearing date the thirteenth day of July, in the third year of the reign of his late maſteſty King George the Firſt, appointed maſter of the rolls, and ſoon after ſuch his appointment, finding the houſes built on the ground belonging to the rolls, in a ruinous condition, did, from time to time, rebuild ſeveral of the ſaid houſes in a ſubſtantial manner, and at a very great expence, and afterwards granted leaſes of the ſaid ground and houſes, for the term of forty one years in truſt for himſelf, conceiving that he was impowered by the ſaid act to grant ſuch leaſes: and whereas the ſaid Sir Joſeph Jekyll died on or about the nineteenth day of Auguſt, in the year of our Lord one thouſand ſeven hundred and thirty eight, and by his laſt will and teſtament, in writing, bearing date the fourth day of May, in the ſaid year, bequeathed ſeveral pecuniary legacies and annuities for life, to ſeveral of his relations, and directed that the Eaſt India and South Sea ſtock, which he ſhould be poſſeſſed of at the time of his death, ſhould not be transferred, or altered by his executor, during the life of dame Elizabeth his wife (who is ſince alſo deceased) but after her death, he gave his ſaid Eaſt India and South Sea ſtock to his Maſteſty, his

heirs and ſucceſſors, Kings or Queens of England, to be applied to the uſe of the Sinking Fund, in ſuch manner, as ſhould be directed by act of parliament, and all the reſt and reſidue of his eſtate, both real and perſonal, he gave and deviſed unto Thomas Jekyll, John Jekyll, Joſeph Jekyll, Edward Jekyll, Richard Blackett Jekyll, Mary Jekyll, and Hannah Jekyll, children of John Jekyll, late of New England, deceased, and to Joſeph Jekyll grocer, the ſon of Thomas Jekyll, and to Nicholas Roberts, Thomas Heſter, Tryphena Baldwin, and Tryphosa Sanders, and to their heirs, executors and adminiſtrators, as tenants in common; and he appointed the ſaid Joſeph Jekyll executor of his will; and he alſo gave his ſaid executor power to renew leaſes, from time to time, of the houſes held of the maſter of the rolls, with his ſucceſſor or ſucceſſors, maſters of the rolls for the time being and whereas the ſaid Sir Joſeph Jekyll did before, and til the time of his death, ſhew great affection and regard for ſeveral of his relations, whom he ſo made reſiduary legatees by his ſaid will, and ſeveral times expreſſed his intention to make a competent provision for their ſupport, and for that end and purpoſe deviſed to them all the reſidue of his real and perſonal eſtate, in manner as before-mentioned and whereas it having appeared ſince the death of the ſaid Sir Joſeph Jekyll, that the ground belonging to the rolls which he deviſed together with the meſſuages built thereon for the term of forty one years, were deviſable for the term of twenty one years only, the ſaid reſiduary legatees were neceſſitated to enter into an agreement with John Verney eſquire, deceased, late maſter of the rolls, by which agreement all the ſaid leaſes granted as aforeſaid, for the term of forty one years, were to be cancelled, and the ſaid John Verney was to execute for the benefit of the ſaid reſiduary legatees, other leaſes of the ſaid meſſuages, for the term of twenty one years, and by reſon of ſuch agreement the value of the eſtate bequeathed to the ſaid legatee, is ſo reduced, that ſeveral of them will be expoſed to indigence and diſtreſs, unleſs ſome relief be granted to them by parliament, therefore we your Maſteſty's moſt dutiful and loyal ſubjects the commons of Great Britain, in parliament aſſembled, having taken the premiſes into conſideration, do moſt humbly beſeech your moſt excellent Maſteſty, that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for his Maſteſty, his heirs and ſucceſſors, by warrant or order under his or their ſign manual, to permit the ſaid Joſeph Jekyll, his executors, adminiſtrators, or aſſigns, to ſell ſo much of the Eaſt India and South Sea ſtock, deviſed as aforeſaid, as will enable him or them to raiſe for the benefit of the ſaid reſiduary legatees, the ſum of thirteen thouſand five hundred eighty two pounds, nine ſhillings and two pence, which ſaid ſum of thirteen thouſand five hundred eighty two pounds, nine ſhillings, and two pence, ſhall be applied by him or them in the ſame manner, as the real and perſonal eſtate of the ſaid Sir Joſeph Jekyll is, by his ſaid will, directed to be applied.

Mr. Jekyll permitted to raiſe 13,582 9s 2d. out of the Eaſt India and South Sea ſtock, given by Sir Joſeph Jekyll for the uſe of the Sinking Fund;

to be applied as Sir Joſeph Jekyll's eſtate.



C A P. XXXV.

An act to indemnify persons who have omitted to register their letters of attorney, appointing them agents for prizes, within the time limited by law; and for allowing further time for that purpose. E X P.

Time given to 1 Aug. 1747.

C A P. XXXVI.

*An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven, and for continuing the bounties on the exportation of British and Irish coarse lincens:*

*Most gracious Sovereign,*

Preamble.

WE your Majesty's most dutiful and loyal subjects the commons of *Great Britain* in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty seven, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesses, and overplus monies, commonly called *The Sinking Fund*: and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty seven; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer,

or

One million granted out of the Sinking Fund.

or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

II. And it is hereby enacted by the authority aforesaid, That Clause of loan in case the said commissioners of his Majesty's treasury, or any <sup>at 4 l. per</sup> three or more of them now being, or the high treasurer, or any <sup>cent.</sup> three or more of the commissioners of the treasury for the time being, shall think it advisable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent on the security of this act shall be rated or assessed to any tax or assessment whatsoever.

III. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally or loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of, or for the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective

Tallies and  
orders for  
repayment.

Orders to be  
register'd, and  
paid in course,

without undue preference. **without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such order, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.**

No undue preference, where tallies are dated, &c. the same day.

Nor if subsequent orders be paid before such as were not demanded.

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

V. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders,

orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registered by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign or transfer his, her, or their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt as aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders assignable *toties quoties*.

The assignment not to be voided.

VII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more advisable to raise the said sum of one million or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of one million, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for granting an aid to his Majesty by a land tax, for the service of the year one thousand seven hundred and forty seven) are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

Treasury may make new exchequer bills for raising the said one million, &c.

20 Geo 2. c. 2.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act, except such clauses as do charge the same on the aids, taxes, or assessments granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually

The exchequer bills to be subject to the same regulations.

to

to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated or re-enacted in the body of this present act.

to be repaid  
out of the  
sinking fund.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by or out of the growing produce of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

The further  
sum of  
500,000 l.  
granted to  
his Majesty;

X. And for the better enabling your Majesty to carry on the war with vigour, both by sea and land, and to make good such treaties as are or shall be made with your Majesty's allies, your said dutiful and loyal commons have also freely given and granted unto your Majesty the further sum of five hundred thousand pounds, to be raised in manner herein after mentioned, be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal sign manual, to authorize and empower the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of *December*, one thousand seven hundred and forty seven, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out here, for any sum or sums of money, not exceeding in loans and exchequer bills together, in the whole, the said sum of five hundred thousand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by the before mentioned act of this present session of parliament (for granting an aid to his Majesty by a land tax, for the service of the year one thousand seven hundred and forty seven) are enacted and prescribed, concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

to be raised by  
loans or ex-  
chequer bills.

Regulations  
concerning  
the exchequer  
bills.

XI. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the loans or exchequer bills,

bills, authorized to be made by the same act (except such clauses as do charge the same on the rates, duties, and assessments granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

XII. And be it further enacted by the authority aforesaid, Loans, &c. That all such loans or exchequer bills, not exceeding five hundred thousand pounds as aforesaid, as shall be taken in, or made forth in pursuance of this act, may respectively be made to bear or carry an interest, premium, or rate, not exceeding four pounds *per centum per annum*; and all such loans or exchequer bills, together with the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid, or borne by or out of the first aids or supplies, which shall be granted in parliament next after the twenty ninth day of *September*, one thousand seven hundred and forty seven; and in case sufficient aids or supplies for that purpose shall not be granted before the twenty fourth day of *June*, one thousand seven hundred and forty eight, then all and every the said loans or exchequer bills, with the interest, premium, rate, and charges incident to or attending the same, shall be and are hereby charged and chargeable upon such monies, as at any time or times at or after the said twenty fourth day of *June*, one thousand seven hundred and forty eight, shall be or remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

XIII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

XIV. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year* 20 Geo. 2. c. 2.

year one thousand seven hundred and forty seven;) and To much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament (intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland; and for applying a certain sum of money therein mentioned towards the supply for the service of the year one thousand seven hundred and forty seven;*) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer by sale of annuities, after the rate of four pounds *per centum per annum*, upon one other act of this session of parliament (intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;*) and also all the monies coming into the exchequer, by contributions, by way of a lottery, for the purchase of annuities, after the rate of four pounds *per centum per annum*, upon one other act of this session of parliament (intituled, *An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties;*) and also the sum of one hundred twelve thousand five hundred eight pounds, nineteen shillings, and two pence, remaining in the receipt of his Majesty's exchequer, of the additional duties on spirituous liquors, granted by an act of the sixteenth year of his Majesty's reign, after satisfying all incumbrances thereupon, to *Christmas*, one thousand seven hundred and forty six; and the sum of one million five hundred thousand pounds, by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that is to say)

XV. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two million two hundred ninety two thousand two hundred fifty nine pounds, eighteen shillings, and eight pence, for or towards the naval services herein after more particularly expressed; (that is

to

Malt act, &c.  
20 Geo. 2. c. 5.

and duties upon  
houses, &c.  
20 Geo. 2. c. 3.

and upon  
coaches, &c.  
20 Geo. 2. c. 10.

and 112,508 l.  
19 s. 2 d. re-  
maining of  
the additional  
duties on spi-  
rituous li-  
quors; ap-  
plied.

2,292,259 l.  
18 s. 8 d. to  
naval services.

to say) for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards carrying on the building of the intended hospital for sick and wounded seamen at *Gosport*, for the year one thousand seven hundred and forty seven.

XVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two hundred five thousand seven hundred twenty eight pounds, nine shillings, and nine pence, for the freight of transports, between the first day of *January*, one thousand seven hundred and forty five, and the thirty first day of *December*, one thousand seven hundred and forty six; and any sum or sums of money not exceeding sixty six thousand six hundred sixty eight pounds, seven shillings, and ten pence, for the expence of the victuals provided for his Majesty's land forces, between the first day of *January*, one thousand seven hundred and forty five, and the thirty first day of *December*, one thousand seven hundred and forty six.

205,728 l. 9 s.  
9 d. for freight  
of transports.

66,668 l. 7 s.  
10 d. for  
victualling the  
land forces.

XVII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at *Greenwich*, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country; and any sum or sums of money, not exceeding one million, towards paying off and discharging the debt of the navy.

10,000 l. to  
*Greenwich*  
hospital.

1,000,000 l.  
towards the  
debt of the  
navy.

XVIII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding four hundred seventy seven thousand two hundred thirteen pounds, eight shillings, and two pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty seven, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

477,213 l. 8 s.  
2 d. to the  
ordnance.

XIX. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding two hundred six thousand two hundred fifty three pounds, and fifteen shillings, for defraying the charge of eleven thousand five hundred and fifty marines (commission and non-commission officers included) to be employed for the year one thousand seven hundred and forty seven.

206,253 l. 15 s.  
to the marines.

XX. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and

3,191,432 l.  
7 s 2 d. far-  
thing, to the  
may land forces;



of which  
856,066 l. 19 s.  
2 d. for  
guards, &c. in  
Great Britain,  
Guernsey, and  
Jersey ;

372,788 l. 11 s.  
for the war in  
Flanders ;

343,112 l. 8 s.  
1 d. halfpen-  
ny, for the  
forces in the  
plantations,  
&c.

400,000 l. to  
the troops of  
Hanover.

10,000 l. for  
a train of ar-  
tillery.

161,607 l. 17 s.  
1 d. halfpenny  
for troops,  
&c. to the  
King of Swe-  
den.

433,333 l. 6 s.  
8 d. to the  
Queen of  
Hungary.

may be issued and applied any sum or sums of money, not exceeding three million one hundred ninety one thousand four hundred thirty two pounds, seven shillings, and two pence farthing, for or towards maintaining his Majesty's land forces and other services herein after more particularly expressed; that is to say, any sum or sums of money, not exceeding eight hundred fifty six thousand sixty six pounds, nineteen shillings, and two pence, for defraying the charge of thirty three thousand and thirty effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces, and other services in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding three hundred seventy two thousand seven hundred eighty eight pounds, and eleven shillings, for defraying the charge of fifteen thousand one hundred and ninety six effective men, commission and non-commission officers included, for the service of the war in *Flanders*, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding three hundred forty three thousand one hundred twelve pounds, eight shillings, and one penny halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia*, *Gibraltar*, *Georgia*, *Rattan*, and *Cape Breton*, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding four hundred thousand pounds, for defraying the expence of the pay and subsistence of the body of the troops of *Hanover*, consisting of five thousand horse, and thirteen thousand foot, making in the whole eighteen thousand men, to act in the *Low Countries*, with the *Austrian* troops, and those of the *State-General* of the united provinces, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding ten thousand pounds, for a train of artillery to attend the said troops; and any sum or sums of money, not exceeding one hundred sixty one thousand six hundred seven pounds, seventeen shillings, and one penny halfpenny, for defraying the charge of one thousand two hundred sixty four horse, and four thousand nine hundred and eight foot, with the general officers, and train of artillery, the troops of his Majesty the King of *Sweden*, as *Landgrave of Hesse Cassell*, in the pay of *Great Britain*, from the twenty fifth day of *December*. one thousand seven hundred and forty six, and to the twenty fourth day of *December*, one thousand seven hundred and forty seven, both inclusive, together with the subsidy for the said time, pursuant to treaty; and any sum or sums of money, not exceeding four hundred thirty three thousand three hundred thirty three pounds, six shillings, and eight pence, to enable the Queen of *Hungary* to support her allies, and maintain sixty thousand men in the *Low Countries*, for the year one thousand seven hundred and forty seven, pursuant to treaty; and any sum or sums of money, not exceeding three

three hundred thousand pounds, to make good his Majesty's engagements with the King of *Sardinia*, pursuant to treaty; and any sum or sums of money, not exceeding twenty four thousand two hundred ninety nine pounds, one shilling, and four pence, to make good his Majesty's engagements with the Elector of *Cologne*, pursuant to treaty; and any sum or sums of money, not exceeding eight thousand six hundred and twenty pounds, to make good his Majesty's engagements with the Elector of *Mentz*, pursuant to treaty; and any sum or sums of money, not exceeding twenty six thousand eight hundred forty six pounds, eleven shillings, and nine pence, to make good his Majesty's engagements with the Elector of *Bavaria*, pursuant to treaty; and any sum or sums of money not exceeding forty eight thousand five hundred seventy five pounds, seventeen shillings, and ten pence, for the pay of the general, and general staff officers, and officers of the hospitals for his Majesty's land forces, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding one hundred sixty six thousand one hundred ninety eight pounds, eighteen shillings, and four pence farthing, for defraying the extraordinary expences on account of the rebellion, and other services of his Majesty's land forces, for the year one thousand seven hundred and forty six, incurred and not provided for by parliament; and any sum or sums of money not exceeding twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty seven, subject to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding six thousand one hundred and twenty pounds, for providing four hundred and eight horses lost in *Flanders* and at the battles of *Falkirk* and *Culloden*, in the year one thousand seven hundred and forty six; and any sum or sums of money, not exceeding three thousand nine hundred and forty eight pounds, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty seven; which said sum of three thousand nine hundred and forty eight pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

XXI. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be

100,000 l. to the King of Sardinia.

24,299 l. 1 s.

4 d. to the Elector of Cologne.

8,620 l. to the Elector of Mentz.

26,846 l. 11 s.

9 d. to the Elector of Bavaria.

48,575 l. 17 s.

10 d. for general and staff officers.

166,198 l. 18 s.

4 d. farthing, for extraordinary charges of the rebellion, &c.

29,914 l. 17 s.

10 d. to half-pay.

6,120 l. for horses lost in Flanders, &c.

3,948 l. to widows of reduced officers.

4,735 l. 16 s. 3 d. 3 farthings, for deficiencies on the civil list;

and 500,000 l. to discharge the like sum borrowed, &c.

30,000 l. for the bridge at Westminster.

500,000 l. to enable his Majesty to carry on the war.

7,978 l. 8 s. 4 d. to the deficiency of stamp duties.

13,910 l. 5 d. halfpenny, to the deficiency of the duties on sweets.

35,000 l. for interest due on the salt duties.

issued and applied any sum or sums of money, not exceeding four hundred fifty six thousand seven hundred thirty three pounds, sixteen shillings, and three pence three farthings, to make good the deficiency of the duties and revenues applicable to the uses of his Majesty's civil government in the seven years, ending at *Midsummer*, one thousand seven hundred and forty six; and any sum or sums of money, not exceeding five hundred thousand pounds, to enable his Majesty to discharge the sum of five hundred thousand pounds, raised in pursuance of an act passed in the last session of parliament, and charged on the first aids or supplies to be granted in parliament, after the twenty ninth day of *September*, one thousand seven hundred and forty six.

XXII. And it is hereby enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore, in the county of *Surrey*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of thirty thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied towards finishing the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five hundred thousand pounds, to enable his Majesty to carry on the war with vigour both by sea and land, and to make good such treaties as are or shall be made with his Majesty's allies, for the year of a thousand seven hundred and forty seven.

XXIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding seven thousand nine hundred seventy eight pounds, eight shillings, and four pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and forty five; and any sum or sums of money not exceeding thirteen thousand nine hundred ten pounds, and five pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruit or sugar, at *Michaelmas*, one thousand seven hundred and forty six; and any sum or sums of money not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest due at *Michaelmas*, one thousand seven hundred and forty six, after the rate of three pounds ten shillings *per centum per annum*, on the principal sum of one million lent

on

of the credit of the salt duties, which were continued for six years, from *Lady-day*, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any sum or sums of money, not exceeding forty nine thousand six hundred ninety three pounds, seventeen shillings, and nine pence halfpenny, to replace to the said sinking fund the like sum paid out of the same to make good the deficiency of the additional duties on wines at *Midsummer*, one thousand seven hundred and forty six.

49,693 l. 17 s. 9d. halfpenny, to make good the additional duties on wines.

XXV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand two hundred eleven pounds, five shillings, and three pence farthing, for making good the deficiency of the general fund for the year ending at *Michaelmas*, one thousand seven hundred and forty six; and any sum or sums of money, not exceeding one hundred thirty five thousand three hundred seventy eight pounds, four shillings, and seven pence, to make good the deficiency of the grants for the service of the year one thousand seven hundred and forty six; and any sum or sums of money, not exceeding sixteen thousand six hundred seventy pounds, eleven shillings, and one penny farthing, for making good the deficiency at *Lady-day*, one thousand seven hundred and forty six, of the duty on licences for retailing of spirituous liquors; and any sum or sums of money not exceeding one thousand four hundred twenty one pounds, eleven shillings, and two pence halfpenny, for making good the deficiency at *Christmas*, one thousand seven hundred and forty six, of the additional duties on all wines imported; and any sum or sums of money not exceeding fifty eight thousand two hundred thirty three pounds, one shilling, and one penny, for making good the deficiency at *Christmas*, one thousand seven hundred and forty six, of the duties on glass and spirituous liquors; and any sum or sums of money, not exceeding thirty eight thousand six hundred forty eight pounds, five shillings, and two pence farthing, for making good the deficiency at *Christmas*, one thousand seven hundred and forty six, of the surplus of the fund of the lottery one thousand seven hundred and fourteen.

10,211 l. 5 s. 3d. farthing, deficiency of the general fund.

135,378 l. 4 s. 7d. deficiency of grants.

16,670 l. 11 s. 1d. farthing, deficiency on licences for retailing spirituous liquors.

1,421 l. 11 s. 2d. halfpenny, deficiency on wines imported.

58,233 l. 1 s. 1d. deficiency on glass and spirituous liquors.

38,648 l. 5 s. 2d. farthing, deficiency of the lottery in 1714.

XXVI. And whereas by an act of parliament made and passed in the sixth year of the reign of her late majesty Queen Anne, (intituled, An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second; and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds *per annum*, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed) certain annuities were granted and made payable at the exchequer out of the said duties by that act continued: and whereas in pursuance of an act made in the sixth year of

6 Annæ, c. 11.

6 Geo. 2. c. 4. *the reign of his late majesty King George the First (intituled, An act for enabling the South Sea company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising monies to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled, and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand, at or near the exchequer) several of the proprietors of the annuities before mentioned did subscribe the same into the capital stock of the said South Sea company, upon the terms in the said last recited act mentioned, by means whereof the said company are become intituled to the yearly sum of forty seven thousand three hundred twenty seven pounds, thirteen shillings, and eight pence, for interest, and charges of management, upon such part of the said annuities so subscribed into their capital: and whereas the monies arisen into the exchequer, of or for the rates and duties by the said first recited act granted, have proved so low and deficient, that at the feast of the birth of our Lord Christ, one thousand seven hundred and forty six, there was due and payable to the several persons intituled to such part of the said annuities, as were not subscribed to the South Sea company, as also to the South Sea company, upon their annuity aforesaid, the sum of eighty five thousand nine hundred sixty eight pounds, twelve shillings, and three pence three farthings: and whereas no provision is made by the said acts, or either of them, for making good such deficiency; be it therefore enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding the sum of eighty five thousand nine hundred sixty eight pounds, twelve shillings, and three pence three farthings, to make good to the several proprietors of the said annuities, as also to the said South Sea company, the several sum or sums of money due to them, to satisfy their respective annuities, payable by the said acts of parliament, so or for any time before the said feast day of the birth of our Lord Christ, one thousand seven hundred and forty six.*

85,968 l. 12 s. 3 d 3 farthings, to make good the annuities payable to the South Sea company, &c.

The supplies to be applied as this act directs.

XXVII. And be it further enacted by the authority aforesaid, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XXVIII. And as to the said sum of twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company,

Rules to be observed in the application of the half-pay.

company, in which he ſerved, was reduced; that no perſon ſhall have or receive any part of the ſame, except ſuch perſons who did actual ſervice in ſome regiment, troop, or company; that no perſon having any other place or employment of profit, civil or military, under his Maſteſty, ſhall have or receive any part of the ſaid half-pay; that no chaplain of any garrifon or regiment, who has any eccleſiaſtical benefice in *Great Britain*, or *Ireland*, ſhall have or receive any part of the ſaid half-pay; that no perſon ſhall have or receive any part of the ſame, who has reſigned his commiſſion, and has had no commiſſion ſince; that no part of the ſame ſhall be allowed to any perſon by virtue of any warrant or appointment, except to ſuch perſons, who would have been otherwiſe intitled to the ſame as reduced officers; and that no part of the ſame ſhall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately diſbanded in *Ireland*, except to ſuch as were lately taken off the eſtabliſhment of half-pay in *Great Britain*.

XXIX. And whereas by an act of parliament made in the nineteenth year of his Maſteſty's reign, (intituled, An act for granting to his Maſteſty a certain ſum of money out of the ſinking fund, for the ſervice of the year one thouſand ſeven hundred and forty fix; and alſo for enabling his Maſteſty to raiſe a further ſum of money for the uſes and purpoſes therein mentioned; and for the further appropriating the ſupplies granted in this ſeſſion of parliament, and for making forth duplicates of exchequer bills, lotter, tickets, receipts, annuity orders, or other orders, loſt, burnt, or otherwiſe deſtroyed) ſeveral ſupplies which had been granted to his Maſteſty, as is therein mentioned, were appropriated to ſeveral uſes and purpoſes therein expreſſed, amongſt which any ſum or ſums of money, not exceeding twenty four thouſand ſeven hundred and one pounds, ſeven ſhillings, and ſix pence, was appropriated to be paid to the reduced officers of his Maſteſty's land forces and marines, ſubject nevertheless to ſuch rules to be obſerved in the application of the ſaid half-pay, as in and by the aforeſaid act were preſcribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforeſaid, That ſo much of the ſaid ſum of twenty four thouſand ſeven hundred and one pounds, ſeven ſhillings, and ſix pence, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced officers, according to the rules preſcribed by the ſaid act to be obſerved in the application thereof, or any part of ſuch overplus, ſhall or may be diſpoſed of to ſuch officers who are maimed or loſt their limbs in the late wars, or ſuch others, as by reaſon of their long ſervice, or otherwiſe, his Maſteſty ſhall judge to be proper objects of charity; or to the widows or children of ſuch officers, according to ſuch warrant or warrants, under his Maſteſty's royal ſign manual, as ſhall be ſigned in that behalf; any thing in this act, or the ſaid former act to the contrary notwithstanding.

The ſurplus of laſt year's half-pay, to be applied to ſuch objects as his Maſteſty ſhall direct.

XXX. And it is hereby likewiſe enacted, That out of the monies or ſavings ariſing from the money granted by parliament, applicable to the relief and proviſion of the widows of officers, 22, 26, 7 l. 5 d; halfpenny, to the two troops of

horfe guards, and three regiments of horfe lately reduced.

who have been killed or died in the fervice, there fhall and may be iffued and applied, by any warrant or warrants of his Majefty, under his royal fign manual, any fum or fums of money, not exceeding the fum of twenty two thoufand two hundred and fixty feven pounds, and five pence halfpenny, for defraying the charge of the allowances to feveral officers and private gentlemen of two troops of horfe guards, and three regiments of horfe lately reduced, together with the incident charges arifing therefrom, for the year one thoufand feven hundred and forty feven.

The bounties on Englifh and Irifh coarfe linens continued, &c.  
15 Geo. 2. c. 29.  
18 Geo. 2. c. 25

XXXI. And be it further enacted by the authority aforefaid, That the bounties on the exportation of *British* and *Irifh* coarfe linens, fhall continue to be paid under the regulations of the acts of the fifteenth, fixteenth, and eighteenth years of his Majefty's reign; and that the fame fhall be paid out of fuch part of the old fubfidy, as is applicable to the payment of incidents; and that an account thereof be laid before the houfe of commons every feffion of parliament, in order to replacing the fame out of the next aids to be granted in parliament.

### C A P. XXXVII.

*An act for the eafe of fheriffs with regard to the return of procefs.*

Procefs unexecuted, to be turned over to the fucceeding fheriff;

on penalty of making good the damage.

Sheriff not liable to make return of any writ, &c. after 6 months.

FOR the eafe of fheriffs with regard to the return of procefs, be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons in this prefent parliament affembled, and by the authority of the fame, That from and after the twenty ninth day of *Septemher*, one thoufand feven hundred and forty feven, all fheriffs of any county, city, liberty, divifion, town corporate, or place, fhall, at the expiration of their office, turn over to the fucceeding fheriff, by indenture and fchedule, all fuch writs and procefs as fhall remain in their hands unexecuted, who fhall duly execute and return the fame; and in cafe any fuch fheriff fhall refufe or neglect to turn over fuch procefs, in manner aforefaid, every fuch fheriff fo neglecting or refufing, fhall be liable to make fuch fatisfaction, by damages and cofts, to the party aggrieved, as he, ſhe, or they fhall fuftain by fuch neglect or refufal.

II. And be it further enacted by the authority aforefaid, That no fheriff fhall be liable to be called upon to make a return of any writ or procefs, unlefs he be required fo to do within fix months after the expiration of his faid office.

### C A P. XXXVIII.

*An act for the relief and fupport of maimed and disabled feamen, and the widows and children of fuch as fhall be killed, flain, or drowned, in the merchants fervice.*

7 & 8 W. 3.  
c. 21.

WHEREAS by an act made in the feventh and eighth years of the reign of his late majefty King William the Third, for the encouragement and increafe of feamen, certain encouragements were

were given for ſeamen to register themſelves in and for his Maſteſty's ſervice; and in caſe any ſuch regiſtered ſeamen ſhould, by age, wounds, or other accidents, be diſabled for future ſervice at ſea, and ſhould not be able to maintain themſelves comfortably, and the children of ſuch diſabled ſeamen, and the widows and children of ſuch of them as ſhould happen to be ſlain, killed, or drowned in ſea ſervice, were to be provided for in the royal hoſpital at Greenwich, ſo far forth as the ſaid hoſpital ſhould be capable to receive them, and the revenue thereof would extend; and, for the better ſupport of the ſaid hoſpital, ſix pence per month is by the ſaid act to be allowed out of the wages of every ſeaman employed in the merchants ſervice, as well as of thoſe employed in the ſervice of the royal navy: and whereas by an act made in the ninth year of the reign of her late maſteſty Queen Anne, ſo much of the ſaid act as relates to the regiſtering of ſeamen <sup>9 Annæ, c. 21. l. 64.</sup> was repealed; whereby every ſeaman in the ſervice of the royal navy (though not regiſtered) is intitled to the benefits of the ſaid hoſpital: and whereas by an act made in the tenth year of the reign of her late maſteſty Queen Anne, for the better collecting and recovering the duties <sup>10 Annæ, c. 17.</sup> granted for the ſupport of the ſaid hoſpital, any ſeaman is to be conſidered as fully qualified for an admiſſion into the ſaid hoſpital, who ſhall offer himſelf to be admitted, and ſhall produce an authentick certificate of his having been wounded, maimed, or hurt in defending any ſhip belonging to the ſubjects of this kingdom againſt the enemies thereof, or in taking any ſhip from the enemy, and being thereby diſabled for ſea ſervice: and whereas by an act made in the eighth year of the reign of his late maſteſty King George the Firſt, for the more effectually ſuppreſſing piracy, every ſeaman on board any merchant ſhip, <sup>8 Geo. 1. c. 24.</sup> who ſhall be maimed in fight againſt any pirate, upon due proof thereof, is to be admitted into, and provided for in the ſaid hoſpital, preferable to any other ſeaman who is diſabled from ſervice, or getting a livelihood, merely by age: and whereas by an act made in the eighth <sup>8 Geo. 2. c. 29.</sup> year of the reign of his preſent Maſteſty, for the application of the rents and profits of the eſtates forfeited by the attainers of James late Earl of Derwentwater, and Charles Ratchiffe, ſeamen on board any merchant ſhip or veſſel, who ſhall be maimed in fight againſt any enemy of his Maſteſty, his heirs and ſucceſſors, are to be admitted into, and provided for in the ſaid hoſpital, in like manner as any other ſeamen wounded or diſabled in the ſervice of his Maſteſty, his heirs or ſucceſſors: and whereas the ſaid hoſpital is not capable to receive, nor the income thereof ſufficient to provide for the ſeamen in the ſervice of the royal navy, who are wounded, maimed, or worn out by age, or otherwiſe intitled to the benefits thereof, ſo that the ſeamen in the merchants ſervice, maimed and diſabled in fight, have ſeldom or never been admitted into the ſaid hoſpital, though intitled thereto, and proper objects of charity: and whereas there is no provision at all made, by either of the ſaid acts, for ſuch ſeamen in the merchants ſervice as are maimed or diſabled by accidental miſfortunes, or for thoſe worn out by age, or for the widows or children of ſuch as ſhall be killed, ſlain, or drowned in the ſaid ſervice: and whereas the ſeamen in the merchants ſervice are willing to allow ſix pence per month, out of their wages, to be applied for the relief and ſupport of ſuch as ſhall be maimed,



Governors  
names.

maimed, or disabled, or worn out by age, and of the widows and children of those who shall be killed, slain, or drowned in the said service: and forasmuch as the seamen in the merchants service have, during the course of this war, manifested their courage and resolution, and deserve all due encouragement; and the establishing the said authority will tend to the honour and good of the publick; but the same cannot be effected without the aid and authority of parliament; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That Alexander Hume, John Bristow, John Bance, Harry Gough, Albert Nisbett, Nathaniel Newman junior, Joseph Gulton, Charles Pole, esquires; Sir Peter Thompson knight, Robert Nettleton, Robert Thornton, John Smith, Abraham Hume, Henry Norris senior, Peter Du Cane, Josias Wordsworth, Joseph Fawthrop, Charles Savage, William Hunt, Merrick Burrell, James Lock, Henry March, Henry Muilman, Theodore Jacobson, James Theobald, Brian Benson, Roger Drake, John Gore, Walter Vane, Thomas Godfrey, John Wenham, Nathaniel Pace, William Willy, esquires; Josiah Chitty, Henry Norris junior, Joseph Adams, Thomas Allen, Samuel Baker, Matthew Beachcroft, Humphrey Bell, William Black, Charles Boehm, Edmund Boehm, Joseph Chitty, Jacob Chitty, Abel Fonnereau, Zachariah Philip Fonnereau, Abraham Franco, Jacob Franco, John Furlly senior, John Godlee, Godhard Hagen, Ezekiel Hall, John Newbury, Tilman Henckell, Edward Hunt, Joel Watson, Gerard Vanneck, Joshua Vanneck, Godfrey Thornton, John Weyland, Robert Dingy, Peter Thomas, Thomas Hyam, Eliakim Palmer, Chauncey Townsend, Peter Muilman, John Payne junior, John Thornton, William Werforce, Henry Sperling, James Brogden, Gilbert Malcher, Thomas Swayne, Beeston Long, Stephen Theodore Janssen, Thomas Boehm, Benjamin Bond, William Bowden, Thomas Forster, William Hayer, Clarmont, Edwin Martin, John Porter, John Sparrow, Thomas Spencer, James Sperling, John Thomlinson, Gent Unwin, Amyand, John Van Rixtel, Alexander Shiffase, Liebert Dorrien, Henry Shiffner, George Prescot junior, Andrew Pringle, Robert Macky, Nicholas Magens, James Henckell, James Buchanan, James Whitechurch, Harman Beerens, Thomas Chitty, Griffin Ranjom, Benjamin Mee, George Newland, Richard King, Thomas Tryan, John Simpson, Samuel Stork, Thomas Chace, Samuel Clark, John Goddard, merchants; master Thomas Bennet, master Adam Spencer, and master John Canham, and their successors, to be elected and named in manner herein after directed and appointed, shall be, and are hereby declared and adjudged to be one body corporate and politick, in deed and in name, by the name of *The president and governors for the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned, in the merchants service*: and that by the same name of *The president and governors*, they shall have perpetual succession, and a common seal, with power

Governors in-  
corporated.

Name of cor-  
poration.

power to change, alter, break, and make new the same, when and as often as they shall judge expedient; and by the same name may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court or courts of record, and places of judicature within this kingdom; and that they, and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain, in trust for the ends and purposes of this act, all such sum and sums of money as are granted, and shall be raised, collected, and received by virtue of this act, or shall be contributed, devised, or bequeathed, by any well-disposed persons, to and for the said ends and purposes; and that they, and their successors, by the name aforesaid, shall and may, at any time hereafter, without

May purchase lands for building an hospital.

• II. And be it further enacted by the authority aforesaid, That the said president and governors, and their successors, to be elected and named in the manner herein after directed and appointed, shall, and may, and they are hereby authorized and empowered to provide in such hospital, for the reception of such seamen as shall be rendered incapable of present or future service, by sicknesses, wounds, or other accidental misfortunes, and those who shall become decrepit, or worn out by age; or shall provide for such seamen, by allowing them certain pensions, or otherwise, as to the said president and governors, and their successors, shall seem meet, and most for the advantage of the intended charity; and also to relieve the widows and children of such seamen as shall be killed, slain, or drowned in the said service; provided such children are not of the age of fourteen years; or if of that age, or upwards, not capable of getting a livelihood, by reason of lameness, blindness, or other infirmities, and are proper objects of charity; and to make reasonable allowances to those who shall lose an eye or limb, or be otherwise hurt or maimed, in fighting, defending, or working the ships, in which they respectively serve, or in loading or unloading the cargoes thereof, or otherwise howsoever, in doing their duty in the said service, in proportion to the damage or hurt they shall respectively receive, so far forth as the income and revenues which are, shall, or may be vested in the said president and governors, and their successors, will extend for the purposes aforesaid, according to such rules, orders, and regulations, as are or shall be established by or in pursuance of this act.

Provision to be made for the reception of disabled seamen;

and for pensions:

and their widows and children.

III. Provided nevertheless, That no seaman in the said service shall be intitled to any of the provisions or benefits of this act, unless he shall produce, or cause to be produced, a certificate to the president, assistants, and committees herein after named, or their successors, of the hurt or damage he hath received, from

Seamen to produce certificates of the hurt they received.

the

Parties signing  
the certificates  
to make oath.

Certificates to  
seamen dis-  
abled by sick-  
ness

Widows and  
children.

the master, mate, boatswain, and surgeon, or so many of them as were in the ship or vessel to which such seaman did belong at the time of his receiving such hurt or damage; or of the master, and two of the seamen, if there is no other officer; or in case the master shall die, or be killed, or drowned, then of the person who shall take upon him the care of the ship or vessel, and two of the seamen on board the same, under their hands and seals, thereby signifying how and in what manner such seamen received such hurt or damage, whether in fighting, defending, working, loading, or unloading the said ship or vessel, where and when he entered, and how long he had served on board the same; and the parties so signing and sealing such certificate, shall and are hereby required to make oath of the truth of the contents thereof, before some one of his Majesty's justices of the peace, if given in *Great Britain* or *Ireland*, or other his Majesty's dominions, or the chief officer of the customs of the port or place where there is no justice of the peace, or before the *British* consul or resident in any foreign country where such certificate is executed (who are hereby respectively authorized and required to administer the same without fee or reward) and in case of sickness, whereby such seaman shall be rendered incapable of service, a certificate signed, sealed, and authenticated in like manner, signifying that he was healthy when he entered on board such ship or vessel, and that such sickness was contracted on board the same, or on shore, in doing his duty in the service of the ship, and not otherwise; and expressing the time and place he entered on board such ship or vessel, and how long he had served therein; and that no widow, child, or children of any seaman killed, slain, or drowned in the said service, shall be relieved, or intitled to any allowance by virtue of this act, unless she or they, or some person on her or their behalf, shall produce a certificate signed, sealed, and authenticated in like manner, signifying how and in what manner such seaman lost his life in the service of the said ship or vessel, the time and place he entered on board, and how long he had served therein; and also another certificate, under the hands and seals of the minister and churchwardens, and overseers of the poor of the parish, township, or place, or any two of them, or under the hands and seals of the minister and overseers of the poor of the parish, township, or place, or any two of them, where there are no churchwardens; and if such widow, child, or children, are some of the people called *Quakers*, then by any two reputable persons of that persuasion, of the parish, township, or place where such widow, child, or children have a legal settlement, or do inhabit or reside, to be attested by two or more credible witnesses, that such widow was the lawful wife, and real widow, and that such child or children was or were the lawful child or children of such seaman killed, slain, or drowned as aforesaid, and is or are under the age of fourteen years; or if of that age, or upwards, not capable of getting a livelihood, by reason of lameness, blindness, or other infirmities, and is or are proper objects of charity; and that no seaman shall

shall be provided for by a pension, or otherwise, as decrepit or worn out, unless such seaman shall have served in the merchants service for the space of five years, and contributed and paid six pence per month out of his wages for that time, to and for the good ends and purposes of this act.

Seamen not intitled who have not served 5 years, &c.

IV. Provided always, and be it further enacted, That if any person shall forge, counterfeit, erase, or alter, or shall procure to be forged, counterfeited, erased, or altered, or shall unfairly or unduly obtain any certificate, in order to intitle him or her to any the pensions, allowances, or benefits of this act, and shall produce, or cause such certificate to be produced for that purpose, such certificate shall, upon discovery thereof, be null and void; and such person so applying for relief or provision, shall be for ever incapable of receiving any the benefits of this act, and shall be subject and liable to the like punishment as an incorrigible rogue is subject and liable to, and shall be punished accordingly as such.

Persons forging, &c. certificates,

to be punished as incorrigible rogues.

V. And be it further enacted by the authority aforesaid, That for the more constant and ordinary management of the monies to be raised for the good ends and purposes aforesaid, there shall be, from time to time, and for ever hereafter, a president, and twelve, or one assistants or committees, of the said hereby erected corporation; and that *Henry Norris* senior esquire, shall be the first president, and *Alexander Hume* esquire, *Sir Peter Thompson* knight, *Robert Nettleton*, *Robert Thornton*, *John Smith*, *Peter Du Cane*, *Josias Wordsworth*, *Joseph Fawthorpe*, esquires; *Josiah Chitty*, *Henry Norris* junior, *William Black*, *John Hanbury*, *John Weyland*, *Robert Dingley*, *Thomas Hyam*, *James Brogden*, *Stephen Theodore Janssen*, *John Thomlinson*, merchants; *Master Thomas Bennet*, *master John Canham*, *master Adam Spencer*, the twenty one assistants or committees.

President and assistants

VI. And be it further enacted by the authority aforesaid, That the said herein before-named president and assistants, or committees, shall continue and remain so to be, till the twenty fourth day of *June*, one thousand seven hundred and forty eight; on which said twenty fourth day of *June* in every year, yearly, for ever hereafter, or within five days, either before or after the said twenty fourth day of *June*, ten days notice being given in the *London Gazette*, of the day fixed by a general court or assembly to be then held of the president and governors of the said corporation for the time being, a new choice or election of a president and twenty one assistants, or committees, shall be made and taken by the said president and governors, or the greater part of them then present, for the year then next following; who after such election, shall continue and remain such until the next general court or assembly to be annually held for the election of a president and assistants, or committees, as aforesaid.

to continue till 24 June, 1748. New election to be yearly, and notice in the Gazette.

VII. And be it further enacted by the authority aforesaid, That at all and every the general courts or assemblies of the said president and governors, and at the several full courts of assistants or committees, to be held as herein after is directed, the

President to have a vote.

said

faid president for the time being shall have voice, and shall vote and act as a member of such general court, or courts of committees; and in case of an equality of votes, the said president shall have and exercise a casting vote.

Four general  
courts yearly;

VIII. And be it further enacted and declared, That there shall be four general courts at least held every year; that is to say, on the said twenty fourth day of *June*, on the twenty ninth day of *September*, on the twenty fifth day of *December*, and on the twenty fifth day of *March*, or within five days before or after either of the said days respectively, of which ten days notice shall be given in the *London Gazette*; and the said president and assistants, or committees, shall have power to call a general court, at any other time or times, as the affairs of the said corporation shall require; and are also impowered and required to call a general court, at the request of any thirteen of the members of the said corporation, signifying the same, by writing under their hands; provided that ten days notice at least be given in the *London Gazette*, of the time and place of the meeting of every such general court so to be called as aforesaid.

Notice in the  
Gazette.

Courts may be  
called at other  
times,

giving notice.

President and  
5 assistants to  
make a court;  
meet weekly,

IX. And be it further enacted by the authority aforesaid; That the said president, with any five or more of the said assistants, or committees, for the time being, shall make a full court of assistants, or committees; and shall meet, from time to time, upon *Wednesdays* weekly, in or near the city of *London*, or at such other time and place as they shall think fit to appoint; and such court of assistants, or committees; shall have power, when assembled, as aforesaid, in the name of the said corporation, and on their account, to apply the monies arising, and to be received, by virtue of this act, and vested in the said corporation, for the relief and support of such seamen, and their widows and children, as are before described; and shall be intitled to the benefits and provisions of this act, in the manner herein directed, and in case there shall be any surplus thereof, or any sum or sums of money shall be contributed and given for the purposes of this act, by any well disposed persons, to lay out the same in parliamentary securities, or to dispose of the same in the purchase of such lands, tenements, and hereditaments, as are hereby before allowed, and with and under their common seal, to enter into any covenants or contracts for the purposes aforesaid, as they shall think fit for the better affecting and carrying on the charity hereby intended; and to appoint and chosse, and at their pleasure to remove, displace, and supply any officers, servants, and other person or persons to be employed for the purposes herein mentioned and intended, or other affairs of the said corporation (other than and except such officers and persons as are directed to be appointed and chosen at a general court or assembly of the said corporation) and to direct and appoint such salaries, perquisites, or other rewards, for their labour or service therein, as they shall approve or think proper; and to do, manage, and transact, and determine, all such other matters and things, as shall to them, or the greater part of them, appear necessary and

to appoint of-  
ficers, &c.

Exception.

and convenient for the affecting or carrying on the purposes hereby intended.

X. And be it further enacted and declared, That the management, transactions, and accompts of the said president and assistants, or committees, shall be, from time to time, and at all times hereafter, subject and liable to such audit and inspection, allowance, disallowance, and controul of all or such of the members or governors of the said hereby erected corporation, as by any by-laws ordinances of the same corporation shall be for that purpose constituted and appointed. Committees to be subject to the by-laws.

XI. And it is hereby further enacted by the authority aforesaid, That there shall be a receiver of the hereby erected corporation, who shall be chosen by the said president and governors, or the greater part of them assembled in a general court, as aforesaid; and shall and may be allowed such salary as to them shall seem proper, and be at their will and pleasure displaced and removed from his station or employment, and another fit and able person thereunto appointed and chosen in his room. Receiver.

XII. Provided also, and be it declared and enacted, That if there be any vacancy or vacancies of any person or persons, chosen at a general court, as aforesaid, happening by death or removal, such vacancy or vacancies shall be filled up at a general court. Vacancies to be filled up at a general court.

XIII. And to the intent that there never may be wanting a competent number of members or governors of the said hereby erected corporation; therefore for perpetuating the succession thereof, and for supplying and filling up the places of president and assistants, or committees, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and governors, or the greater part of them that shall be present in such general court or assembly, to be held as aforesaid (so that not less than thirteen governors be then present) to elect and choose some other fit and able person or persons to be a member or governor, or members or governors, of the said hereby erected corporation, in the room or place of such of the persons above-named, or to be, from time to time, elected members or governors, as aforesaid, who shall happen to depart this life, or shall refuse to accept of being, or to continue, and remain to be, a member or governor as aforesaid. Thirteen governors to be present at the election of a governor,

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and governors, in a general court assembled as aforesaid (so that not less than thirteen governors be then present) to make, ordain, and constitute, such and so many by-laws, constitutions, and ordinances, as to them, or the greater part of them, then and there present, shall seem necessary and convenient for the establishing the said hereby erected corporation, and the officers, servants, and persons by them, in and about the affairs of the said corporation, to be employed; and for the better applying the mo- and at the making by-laws.

ney hereby to be raised and received, and providing for the persons intitled to the benefits of and provisions made by this act; and for the auditing the accounts, and the controuling, allowing, or disallowing the transactions of the said president, assistants, or committees, and of the said officers, servants, and persons; and the same by-laws, orders, ordinances, and constitutions, so made, to put in use accordingly; and at their will and pleasure to revoke, change, and alter the same; which said by-laws, orders, and ordinances, so as aforesaid made, shall be duly kept and observed, so always as the said constitutions, by-laws, orders, and ordinances, be reasonable, and not contrary or repugnant to the statutes, customs, or laws of this kingdom, or any of the express regulations of this act.

President not attending, another to be deputed.

XV. Provided also, and it is hereby declared, That in case the president shall at any time not attend, then it shall be lawful to and for the said assistants, or committees, at a court of assistants or committees, and the said governors, at a general court, to depute and appoint any other person a member or governor of the said corporation, to preside, vote, and act as president in his absence, and to do all and every act or acts, thing or things, as well at the said general court, as at the court of assistants or committees, or otherwise, as he the said president is hereby empowered; authorized or required to do.

Persons giving sol. to be governors.

XVI. And, for the encouragement of such as shall be benefactors to so good a design, be it enacted by the authority aforesaid, That if any person charitably disposed, shall at one or more payments, pay into the hands of the receiver of the said hospital for the time being, or such person as shall be deputed for that purpose, the full sum of fifty pounds, to and for the good uses and purposes in this act mentioned, such person shall be, and is hereby declared to be, from the time of such payment of such fifty pounds as aforesaid, a governor of the said hereby erected corporation.

All seamen and masters of vessels, &c. to pay 6d. per month.

XVII. And for the effecting the good ends and purposes aforesaid, be it enacted by the authority aforesaid, That every seaman, or other person whatsoever, who shall serve, or be employed by any person or persons whatsoever, in any merchant ship, or other private ship or vessel belonging, or to belong to any of the subjects of his Majesty, his heirs or successors, in that part of *Great Britain* called *England*; and every master or owner, navigating or working in his own ship or vessel, whether employed on the high sea, or coasts of the same, or in any port, bay, or creek (other than such apprentices, under the age of eighteen years, as are exempted from payment of six pence *per* month to the said royal hospital at *Greenwich*, by an act made in the second year of the reign of her late majesty *Queen Anne*, for the increase of seamen, and better encouragement of navigation; and security of the coal trade; and such person or persons as shall be employed in any boat, upon any of the coasts of that part of *Great Britain* called *England*, in taking of fish, which are brought fresh on shore; and every person and persons employed in boats or vessels,

Apprentices excepted, &c.

vessels, that trade only from place to place within any river of that part of *Great Britain* called *England*, or in any open boats upon the coasts of the same; and pilots employed on board any ship or vessel) shall, from and after the twenty ninth day of *September*, one thousand seven hundred and forty seven, pay, and there shall be allowed and paid by every such master, owner, seaman, or other person employed, or that shall be employed, six pence *per* month of lawful money of *Great Britain*, and proportionably for a lesser time, during the time he or they shall be employed in, or belong to, the said ship or vessel, for the uses and purposes aforesaid.

XVIII. And it is hereby declared and enacted, That the master, owner, or commander of every such merchant or private ship or vessel, is hereby impowered and required to deduct and detain out of the wages, shares, or other profits, payable or accruing to such seaman, or other person employed in his ship or vessel, the said duty of six pence *per* month (other than for such apprentices, and other persons, as are before excepted) and shall pay the same to such officer or officers as shall on that behalf be appointed by the said president and governors, or the trustees to be appointed at any of the out-ports, and their successors, for the collecting, recovering, and receiving the said duty of six pence *per* month respectively, if such seaman, or other person, shall have or be intitled to any such wages, shares, or profits.

Masters to keep 6d. per month, out of seamen's pay;

and pay the same to the receiver.

XIX. And be it further enacted, That it shall and may be lawful for the said president and governors, and their successors, at a full court of assistants, or committees, to appoint such person or persons as they shall think fit, to be receiver or receivers of the said duty at the port of *London*; and also depute and appoint the collectors, or other officers of the customs of his Majesty, his heirs or successors, in the several out-ports of that part of *Great Britain* called *England*, or such other persons as they shall think fit, to collect and receive the same (except in such out-ports where separate trustees shall be appointed by virtue of this act;) which said receivers, as also the said collectors and officers of the customs (if so appointed) are hereby impowered and required to collect, receive, and pay over the said duty, according to such instructions and directions as shall be, from time to time, sent to them in writing by the said president and governors, and their successors: and for the care and pains therein of the said collectors, and other officers of the customs, and others to be appointed to collect, recover, and receive the said duty, it shall and may be lawful for the said president and governors, and their successors, at such court of assistants, or committees, to make such allowance to them, out of the said duties, as they shall judge reasonable.

Receivers to be appointed for the port of London, and out-ports.

Salaries to be appointed them.

XX. And be it further enacted by the authority aforesaid, That every master, commander, or owner of any merchant ship, or any other private ship or vessel, navigating the same, or such other person who shall have the care thereof, shall keep a book by way of a muster roll; in which shall be entered his own

Masters to keep a muster roll,

Christian



christian and surname, and the christian and surnames of all the officers, seamen, or other persons employed in such ship or vessel, with the usual place of their abode when on shore; and over against each name, the time when, and place where, such seaman, or other person, entered into the service of such ship or vessel; and in what ship or vessel he performed his last voyage; and deliver duplicates to the collectors. a duplicate whereof shall be signed by the said master, commander, owner, or other person having the care of such ship or vessel, and shall be delivered before the departure of such ship or vessel, to the receiver or collector of the said duties, at the respective port to which such ship or vessel doth belong; and such master, commander, owner, or other person having the care of such ship or vessel, shall continue to keep such book by way of muster-roll, during the whole course of the voyage, and shall, from time to time, enter therein, when and where any such master, officers, seamen, or other person shall be discharged from, or shall leave or desert such ship or vessel, and when and where any other officers or men shall be shipped on board, describing them in the like manner as the persons who first entered on board are before directed to be described; and when and where any of them received any hurt or damage, or were killed, slain, or drowned, in case there shall be any such; a duplicate of which continuation of the muster-roll shall be likewise signed by the said master, commander, or other person having the care of the ship or vessel, and shall be delivered at the return of such ship or vessel to the receiver or collector of the said duties, at the respective port to which such ship or vessel does belong; and true copies of the said duplicates shall be made by such receiver or collector, which shall be filed and kept by him; and the original duplicates shall be transmitted by such receiver or collector to the president and governors aforesaid, to be, by such officer as shall be appointed for that purpose, filed and kept: and in case such master, commander, or other person, shall neglect to keep such book or muster-roll, or shall neglect or refuse to deliver such duplicates as aforesaid; and in case such receiver or collector shall neglect to make, keep, and file such copies thereof, or neglect or refuse to transmit the duplicates which shall be delivered to him as aforesaid, to the said president and governors; they shall severally and respectively forfeit and pay, for every such offence or offences, the sum of twenty pounds of lawful money of Great Britain.

Duplicate to be delivered to the collector.

Copies to be filed, and the originals transmitted to the governors;

Penalty 20*l*.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said collectors and receivers, for the better discovery of what shall be due from the persons serving on board, or belonging to any merchant ship, or other private ship or vessel aforesaid, by warrant under his or their hand or hands, to summon all such masters and commanders, or (in their absence) such owner or owners of such ship and vessel, to be and appear at the office of the said collectors or receivers respectively (so as the persons so summoned be not obliged to travel above ten miles for the making such appearance;) which said collectors and receivers are hereby impower-

ed

ed and directed to examine every such master and commander, and examine or owner or owners, upon oath (which oath such collectors and receivers, and every of them respectively, are hereby impowered and required to administer) as to the truth of the copy of such book or muster-roll, and as to the number and times of service of all and every person and persons belonging to, or employed in, such ship or vessel, who are liable to, or chargeable with, the said sum of six pence *per* month; and if such masters or commanders, or (in their absence) such owners, or any of them, shall refuse or neglect, when so summoned, to appear before the said respective persons hereby impowered to examine them in manner as aforesaid; or if they appear, and obstinately refuse to make full and true discovery of the matters aforesaid, upon their several oaths; then, and in every such case, all and every such offender or offenders, for every such refusal, shall forfeit the sum of twenty pounds of lawful money of Great Britain.

XXII. And, for the more easy and effectual collecting the said six pence *per* month of and from the masters, commanders, and owners of merchant ships or vessels that are or shall be hired or employed by the commissioners, or other officers of the navy, victualling, ordnance, customs, post-office, or other publick offices, for or in the service of his Majesty, his heirs or successors; be it further enacted by the authority aforesaid, That the secretaries or chief clerks of the aforesaid offices, or any other publick offices of the crown, usually hiring or employing ships or vessels for or in the service of his Majesty, his heirs or successors, shall, and they are hereby respectively required to deliver a duplicate of the list or account of the number and names of such ships so hired or employed, and of the names of the masters, commanders, and owners of every such ship or vessel respectively, and of the numbers of seamen, or other persons employed in such ship or vessel, to the receiver or collector of the said duty of six pence *per* month at the port of London, or any of the out-ports to which such ship or vessel does respectively belong, granted by this act, as is by virtue of an act made in the second year of the reign of his present Majesty, to be delivered to the receiver or collector at the said port of London, of the duty of six pence *per* month given towards the support of the said royal hospital at Greenwich; and the said secretaries, chief clerks, and also all and every other officers of or belonging to the said offices, and the masters, commanders, and owners of any ships or vessels hired and employed, or to be hired or employed by them, or any of them, are hereby also required to do every other act, matter, or thing, for the due and effectual payment of the said six pence *per* month hereby granted, as is directed and required to be done by the said act of the second year of the reign of his present Majesty, for the effectual payment of the duty of six pence *per* month granted to the said royal hospital; and the said secretaries, chief clerks, or other officers, or any of them, and the said masters, commanders,

under the penalties of the ſaid act.

and owners of any ſhips or veſſels hired and employed by them, or any of them, ſhall be ſubject and liable to the like penalties and forfeitures for any default, neglect, or omiſſion, that ſhall be made in any of the acts, matters, or things, hereby required to be by them reſpectively done and performed, or for acting contrary to the directions of this act, as they are ſubject and liable to by virtue of the ſaid act of the ſecond year of the reign of his preſent Maſteſty, for any default, neglect, or omiſſion, in any of the acts, matters, or things required to be done and performed by, or for acting contrary to, the directions of the ſaid act.

Maſters to pay the 6d. per month to the collector of the port where the ſhip belongs.

XXIII. And be it further enacted by the authority aforeſaid, That all and every the maſters, commanders, and owners of all merchant ſhips, and other private ſhips and veſſels whatſoever, by this act made liable to the payment of the ſaid duty of ſix pence *per* month, ſhall pay all ſuch monies as ſhall from time to time be due from them, and every of them reſpectively, to the collectors and receivers to be appointed in purſuance of this act, for or on account of the ſaid duty, at the ports only to which ſuch ſhips or veſſels do reſpectively belong, and before any ſuch ſhips or veſſels ſhall be cleared inwards, by the officers of the cuſtoms of his Maſteſty, his heirs or ſucceſſors, in any of the ports of that part of *Great Britain* called *England*; and that no cuſtomer, collector, comptroller, receiver, ſurveyor, ſearcher, waiter, or other officer whatſoever, of or belonging to the cuſtoms of his Maſteſty, his heirs or ſucceſſors, ſhall at any time hereafter clear inwards any merchant ſhip, or other private ſhip or veſſel whatſoever, by this act made or declared liable to the payment of the ſaid duty of ſix pence *per* month, or grant any warrant, or give or grant out any cockets, tranſires, returns, or diſcharges, unto or for any ſuch ſhip or veſſel whatſoever, or ſhall permit or ſuffer any ſuch ſhip or veſſel to go out of any of the ports before mentioned, until the ſaid maſter, commander, or owner or owners of every ſuch ſhip or veſſel reſpectively, ſhall and do produce and ſhew forth, unto ſuch officer or officers, an acquittance or certificate ſigned by the ſaid receiver or receivers, collector or collectors of the ſaid duties, whereby it ſhall appear that ſuch maſter, commander, or owner or owners, have duly and fully paid and diſcharged the ſaid duty, and that he or they is or are not more than three months in arrear for the ſame, or that they are exempted from the payment of the ſaid duty by virtue of the exceptions herein contained; and every maſter, commander, and owner of any ſuch ſhip or veſſel, who ſhall reſuſe or neglect to pay the ſaid duty of ſix pence *per* month, in the manner, and within the time herein before mentioned, limited, and appointed, for payment thereof, and alſo every cuſtomer, collector, comptroller, receiver, ſurveyor, ſearcher, waiter, and other officers of the cuſtoms, who ſhall make default in any of the premiſſes enjoined them reſpectively by this act, or ſhall in any wiſe act contrary to the directions herein before mentioned, ſhall, for every ſuch reſuſal, neglect, default,

Maſters and other officers making default,

or act, forfeit the sum of twenty pounds of lawful money of forfeit 20 l. *Great Britain.*

XXIV. And to prevent unnecessary delays in clearing such Masters not ships and vessels, be it enacted by the authority aforefaid, That producing ac- in case the master, commander, or owner of any ship or vessel, shall not produce such acquittance or certificate as aforefaid, to the tide-surveyor when he shall come on board in order to clear such ship or vessel, the tide-waiters on board such ship or vessel shall be continued, until such acquittance or certificate is produced, at the expence of such owner, master, or commander, and not at the expence of the crown.

XXV. Provided, and be it further enacted by the authority aforefaid, That in all cases wherein by this act an oath is required or appointed to be taken, the solemn affirmation and declaration of the people called *Quakers* shall be accepted instead of such oath, in such manner and form, as by the laws and statutes of this kingdom is directed and appointed; and if any such *Quaker* shall refuse to make such solemn affirmation and declaration, in any case wherein any other person is hereby required to take an oath, every such *Quaker* so refusing, shall, for every such offence, be subject to the like forfeitures and penalties, as any other person refusing to take an oath is made liable to by this act; and in case any such *Quaker* shall, upon his solemn affirmation or declaration, affirm or declare any matter which shall be false; or if any other person, before any such collector, receiver, or other person, hereby authorized to administer oaths, shall wilfully make a false oath, every such *Quaker*, or other person, being thereof lawfully convicted, shall, for every such offence, suffer and be liable to the like fines, pains, penalties, and punishments, as persons convicted of wilful and corrupt perjury are subject and liable to by the laws of that part of *Great Britain* called *England*.

XXVI. And it is hereby further enacted by the authority aforefaid, That the charges, costs, and expences, in and about procuring and obtaining this act of parliament, shall be paid out of the first monies to be raised and contributed by virtue hereof, at the port of *London*.

XXVII. And whereas the masters, commanders, and other officers and seamen, employed in ships or vessels belonging to persons residing at some of the out-ports of this kingdom, may be desirous of having the six pence per month to be allowed and paid by them out of their wages, by virtue of and for the purposes of this act, to be under the direction and management of persons residing in or near to such out-ports respectively; therefore be it further enacted by the authority aforefaid, That from and after the twenty fourth day of June, one thousand seven hundred and forty seven, it shall and may be lawful to and for the owners of, and the masters and commanders employed on board the ships and vessels belonging to persons residing at any of the said out-ports, to assemble and meet, at any proper time and place within the limits of the said out-ports, that shall be by any five or more of them appointed,

and appoint  
trustees for  
the duties ;

who are to  
continue till  
26 December.  
New trustees  
to be choſen  
yearly.

Instrument of  
the election to  
be ſent to the  
preſident, &c

Five trustees  
impowered to  
make by-laws;  
and appoint  
officers in the  
out ports.

by giving ten days previous notice to be fixed at the custom-house wharf, key, or any other publick place, at ſuch reſpective out-port ; and ſuch owners, maſters, and commanders, or the greater part of them, being ſo aſſembled as aforeſaid, are hereby authorized and impowered, from time to time, to nominate and appoint, by an inſtrument in writing under their hands and ſeals, fifteen perſons to be trustees for ſuch out-port, for receiving, collecting, and applying the ſaid fix pence *per* month, to be allowed, collected, and received by virtue of this act, at ſuch reſpective out-port, for relief and ſupport of the ſeamen employed on board the ſhips or veſſels belonging to ſuch perſons reſpectively, and their widows and children, as ſhall be intitled thereto by virtue of this act ; which ſaid trustees ſhall continue to the twenty ſixth day of *December* next after ſuch election, and until new trustees are nominated, appointed, and confirmed : and that within ten days after every twenty ſixth day of *December* yearly, the owners, maſters, and commanders at ſuch reſpective out-ports, ſhall have power to meet and chooſe fifteen perſons to be trustees for the year enſuing, by an inſtrument in writing under the hands and ſeals of the owners, maſters, and commanders, or the majority of them ſo aſſembled, having given previous notice as aforeſaid ; which ſaid reſpective trustees ſhall continue, from time to time, until new trustees are nominated, appointed, and confirmed ; which inſtrument ſhall be ſent to the ſaid preſident and aſſiſtants, or commitees, who are hereby authorized and required to confirm the ſame under the common ſeal of the ſaid corporation, without fee or reward, within ten days after the receipt thereof. which ſaid trustees, when they ſhall be ſo confirmed as aforeſaid, whereof five ſhall be a quorum, ſhall be veſted with, and have the ſame powers and authorities to make by-laws, and to revoke or alter the ſame, and for taking, receiving, and applying any ſum or ſums of money which ſhall be contributed, deviſed, or bequeathed by any well-diſpoſed perſons ; and for appointing receivers and other officers ; and for collecting, recovering, receiving, paying, and applying the ſaid fix pence *per* month, to be allowed and paid by the ſeamen, or others ſerving on board any ſhip or veſſel belonging to ſuch perſons reſpectively at ſuch out-ports, as are given and granted by this act, to the preſident and governors aforeſaid, according to ſuch rules, orders, and regulations as are or ſhall be eſtabliſhed by virtue, and in purſuance of this act, and the ſaid receivers, and other officers, ſhall have the ſame powers and authorities as the other receivers and officers to be appointed in purſuance of this act, and ſhall be ſubject and liable to the ſame penalties and forfeitures ; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

XXVIII. *And whereas by letters patent, bearing date the eighteenth day of December, in the ſixth year of the reign of the late King Edward the ſixth, certain merchants therein named, and their ſucceſſors, reſiding at the city and port of Briſtol, are incorporated by the name of The maſter, wardens, and commonalty of merchants-venturers*

turers of the city of *Bristol*; which ſaid ſociety of merchants are willing, for the benefit of the ſeamen employed on board ſhips and veſſels in the ſervice of merchants, and other traders belonging to the ſaid city and port, to undertake the collection and application of the ſaid ſix pence per month, to be paid at the city and port; and alſo to receive, and apply any donations that well-diſpoſed perſons may give for the relief and ſupport of ſuch ſeamen, as ſhall be maimed and diſabled, and for the widows and children of thoſe who ſhall be killed, ſlain, or drowned in the ſervice of the ſaid merchants and traders; therefore be it further enacted by the authority aforeſaid, That the maſter, wardens, aſſiſtants, and treaſurer of the ſaid incorporated ſociety for the time being, ſhall be truſtees, and ſhall have, and be veſted with the like powers and authorities for collecting, recovering, receiving, and applying the ſaid ſix pence per month, to be allowed, collected, and received by virtue of this act, at the ſaid city and port; and for taking, receiving, and applying any ſum or ſums of money which ſhall be contributed, deviſed, and bequeathed by any well-diſpoſed perſons for relief and ſupport of the ſeamen employed on board the ſhips or veſſels belonging to the merchants or traders reſiding at the ſaid city and port, and their widows and children, as ſhall be entitled thereto by virtue of this act; and to appoint receivers, and other officers for the purpoſes aforeſaid, as are given and granted by virtue of this act, to the preſident and governors aforeſaid, according to ſuch rules, orders, and regulations, as are or ſhall be eſtabliſhed by virtue of this act; and ſuch receivers, and other officers, ſhall have the ſame powers and authorities as the other receivers and officers to be appointed by virtue of this act, and ſhall be ſubject and liable to the like penalties and forfeitures; and the ſaid maſter, wardens, aſſiſtants, and treaſurer, ſhall alſo have power to take and receive any lands, tenements, and hereditaments, in ſuch manner, and for the like purpoſes only, as the ſaid preſident and governors are by this act impowered to take and receive lands, tenements, and hereditaments; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

XXIX. And whereas the guild or brotherhood of maſters and pilots, ſeamen of the Trinity houſe of the town and port of *Kingſton upon Hull*, are willing, for the benefit of the ſeamen employed on board ſhips and veſſels in the ſervice of merchants and other traders belonging to the ſaid town and port, to undertake the collection and application of the ſaid ſix pence per month, to be paid at the ſaid town and port; and alſo to receive and apply any donations that well-diſpoſed perſons may give for the relief and ſupport of ſuch ſeamen as ſhall be maimed and diſabled, and of the widows and children of thoſe who ſhall be killed, ſlain, or drowned in the ſervice of the ſaid merchants and traders; therefore be it further enacted by the authority aforeſaid, That the guild or brotherhood of maſters and pilots, ſeamen of the Trinity Houſe of the town and port of *Kingſton upon Hull*, for the time being, ſhall be truſtees, and ſhall have and be veſted with the like powers and authorities for collecting, recovering, receiving, and applying the ſaid ſix pence

Merchants-venturers of *Bristol*, truſtees for the duties received there, &c.

Trinity Houſe of *Hull*, truſtees for the duties, &c. received there, &c.

*per* month, to be paid at the said town and port; and for taking, receiving, and applying any sum or sums of money as shall be contributed, devised, or bequeathed by any well-disposed persons, for the relief and support of such seamen, and their widows and children, as shall be intitled thereto, by virtue of this act; and for appointing receivers, and other officers for the purposes aforesaid, as are given and granted by virtue of this act, to the president and governors aforesaid, according to such rules, orders, and regulations, as are or shall be established by virtue of this act; and such receivers and other officers shall have the same powers and authorities as the other receivers and officers, to be appointed in pursuance of this act, and shall be subject and liable to the like penalties and forfeitures; any thing herein contained to the contrary thereof in any wise notwithstanding.

Collectors of  
out ports, to  
deliver dupli-  
cates to the  
trustees of the  
out ports.

XXX. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to oblige the receivers or collectors of the said duty, to be appointed by the trustees of any of the said respective out-ports, to send the duplicates of the books or muster-rolls hereby directed to be delivered to such receivers or collectors, by the master, or other person having the care of any ship or vessel, to the said president and assistants, or committees; but such duplicates shall be delivered by such collector or receiver, after making and filing copies thereof, to the said trustees respectively, to be by them filed and kept for their use and inspection.

Seamen not  
paying the  
duty, not to  
be benefited.

XXXI. Provided always, and it is hereby declared, That no seaman or other person employed on board any merchant ship, or other private ship or vessel, shall be intitled to have or receive any provision or benefit by virtue of this act, at the port of *London*, or any out-port, but those who are subject and liable to, and shall pay the said duty of six pence *per* month as aforesaid, at the said port of *London*, or out-ports respectively.

Those who  
have served,  
&c. longest,  
to be first pro-  
vided for.

XXXII. Provided also, and be it declared, That those seamen who shall have been longest in the said service, and contributed most towards the said duty, shall be first provided for as worn out or decrepit,

Maimed sea-  
men,

XXXIII. And whereas it may happen that seamen or other persons employed on board ships or vessels, may, by accident in loading or unloading the same, or otherwise in doing their duty on shore, as well as on board such ships or vessels, receive such hurt or damage, that it may endanger their lives, to send them to the port to which the ships or vessels do respectively belong; therefore be it further enacted by the authority aforesaid, That in case any seaman, or other person employed on board any ship or vessel, shall, in doing his duty on shore, or on board any such ship or vessel, break an arm or leg, or be otherwise hurt or maimed, so that immediate care is necessary to be taken of him, it shall and may be lawful for the said president and governors at the port of *London*, and the respective trustees for the out-ports, and they are hereby required to provide proper relief for such seaman or other person that

that ſhall be ſo hurt or maimed, until he ſhall be ſo well recovered of ſuch hurt or damage, as to be removed and ſent with ſafety to the reſpective port to which ſuch ſhip or veſſel does belong; and the expence of removing and ſending ſuch ſeaman or other perſon to ſuch reſpective port, not exceeding two pence *per mile*, ſhall be paid by the ſaid preſident and governors at the port of *London*, or by the truſtees for the reſpective out-port to which ſuch ſeaman or other perſon ſhall be ſo removed and ſent; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

XXXIV. And be it further enacted by the authority aforeſaid, That in caſe any ſeaman, or other perſon, ſhall ſerve five years or more, on board merchant or other private ſhips or veſſels, belonging to different ports, and ſhall have paid the ſix pence *per month* for that time, and ſhall become decrepit and worn out, and adjudged, either by the ſaid preſident and aſſiſtants, or the reſpective truſtees, a proper object of relief, ſuch perſon ſhall be provided for and relieved at the reſpective port where he ſhall have contributed and paid the greateſt part of the ſaid duty of ſix pence *per month* for the laſt five years of his ſervice; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

XXXV. And whereas it may happen that ſeamen employed in the merchants ſervice, within the limits of this act, may be ſhipwrecked, or taken by the enemies of his Maſteſty, his heirs and ſucceſſors, and on their return from imprifonment, may be travelling with paſſes to the place of their reſpective abodes; be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid preſident and governors, or the reſpective truſtees, if they think fit, to relieve any ſuch ſeaman in ſuch manner as they ſhall think proper, any thing in this act contained to the contrary thereof in any wiſe notwithstanding.

XXXVI. And whereas there may be ſome circumſtances wherein the certificates herein before-mentioned cannot be obtained; be it therefore further enacted by the authority aforeſaid, That in all caſes where the certificates directed to be produced by this act cannot be obtained, ſuch other certificates as ſhall be ſatisfactory to the ſaid preſident and governors, or truſtees reſpectively, ſhall be received and allowed of, to intitle the party producing the ſame to the penſions or other relief provided by this act; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

XXXVII. And whereas the united company of merchants of England trading to the Eaſt Indies, have, at their own expence, conſtantly provided for ſuch ſeamen employed by them as have been rendered incapable of preſent or future ſervice, by ſickneſs, wounds, or other accidental miſfortunes, and for the widows and children of ſuch ſeamen as have been killed, ſlain, or drowned in their ſervice, and have eſtabliſhed a ſufficient fund for that purpoſe, and are willing to continue ſuch proviſion, and are therefore deſirous that the officers and ſeamen employed in their ſervice, and the ſervants and apprentices of ſuch



*such officers, may be exempted from the payment of the six pence per month*; be it therefore enacted by the authority aforesaid, That no master or commander, officer, mariner, or seaman, or servant or apprentice of any master or commander, or officer of any ship or vessel, of or belonging unto or employed, or which shall be employed by or in the service of the said united company of merchants of *England* trading to the *East Indies*, during the time they shall be so respectively employed in the said company's service, shall in any wise be liable or subject to the said duty or payment of six pence *per month*; but that every such master or commander, officer, mariner, or seaman, and every servant and apprentice of such master or commander, or officer of any ship or vessel of or belonging unto, or employed by or in the said company's service as aforesaid, shall, during the time of such service, be totally exempt from the payment thereof; any thing in this act contained to the contrary notwithstanding.

and excluded. XXXVIII. Provided always, That no master or commander, officer, mariner, or seaman, or any servant or apprentice of any master or commander, or officer employed in the service of the said united company, shall have or be intitled to any benefit by this act, for or in respect of any incapacity by sickness, wounds, or other accidental misfortune happening unto them, during the time of their being employed in the said company's service; nor shall the widows or children of such seamen as shall be killed, slain, or drowned in the service of the said united company, be intitled to any benefit or relief by or from this act, by reason or means of any such seaman's being killed, slain, or drowned during the time they shall be employed in the said company's service as aforesaid.

Forfeitures how to be recovered, and applied. XXXIX. And be it further enacted by the authority aforesaid, That all and every the pecuniary forfeitures and penalties which shall be incurred by virtue of this act, or any clause therein contained, shall be sued for and recovered in any of his Majesty's courts of record, in that part of *Great Britain* called *England*, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and if a verdict shall pass for the plaintiff in any such action, bill, plaint, or information, then such plaintiff shall have and be allowed double costs of suit; and that one moiety of all and every the said forfeitures and penalties, when recovered, shall go and be applied to the uses and purposes of this act, and the other moiety to the use of such person as shall sue for the same in manner aforesaid.

Double costs.

Publick act.

Limitation of actions.

XL. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act, and shall be judicially taken notice of as such by all judges, justices, and others, without specially pleading the same; and if any action shall be brought, or suit commenced against any person or persons, for any thing done in pursuance of this act, or in relation to the premises, or any of them; every such action or suit shall be laid or brought within three months next after, in the county or place where the fact was done, and not elsewhere; and the defendant

defendant or defendants, in ſuch action, may plead the general General iſſue.  
iſſue, and give this act, and the ſpecial matter in evidence, at  
any trial to be had thereupon, and that the ſame was done in  
pursuance and by the authority of this act; and if the ſame  
ſhall appear to have been ſo done, or if any ſuch action or ſuit  
ſhall not be brought within the time before limited, or ſhall be  
brought in any other county or place than as aforeſaid, then the  
jury ſhall find for the defendant or defendants, or if the plaintiff  
or plaintiffs ſhall become nonſuited, or ſuffer a diſcontinuance  
of his, her, or their action or actions, or if a verdict ſhall paſs  
againſt the plaintiff or plaintiffs, the ſaid defendant or defend-  
ants ſhall have double coſts, and ſhall have ſuch remedy for Double coſts.  
recovering the ſame, as any defendant or defendants hath or  
have for coſts in other cauſes by law.

## C A P. XXXIX.

*An act for granting a duty to his Maſteſty, to be paid by  
diſtillers, upon licences taken out by them for retailing ſpi-  
rituous liquors.*

**W**HEREAS by an act of parliament made and paſſed in the 16 Geo 2 c. 8.  
ſixteenth year of the reign of our preſent Maſteſty, intituled,  
An act for repealing certain duties on ſpirituous liquors, and on  
licences for retailing the ſame; and for laying other duties on  
ſpirituous liquors, and on licences to retail the ſaid liquors, it  
was, amongſt other things, enacted, That no perſon or perſons ſhould,  
from and after the twenty fifth day of March, one thouſand ſeven  
hundred and forty three, preſume to retail any brandy, rum, arrack,  
uſquebaugh, geneva, aqua vitæ, or any other diſtilled ſpirituous li-  
quors, or ſtrong waters unmixed, or mixed with themſelves, or any  
other ingredients, without firſt taking out a licence from his Maſteſty's  
commiſſioners of exciſe for ſo doing, in manner as was therein direſted  
and appointed, and upon payment of the ſum of twenty ſhillings yearly  
for ſuch licence, under the penalties in the ſaid act contained, and no  
licences were thereby allowed to be granted for retailing, except to ſuch  
perſons only who ſhould keep taverns, victualling-houſes, inns, coffee-  
houſes, or ale-houſes, and it was therein alſo enacted, That no per-  
ſon ſhould be deemed, or taken to be a retailer of ſpirituous liquors,  
who did not retail in leſs quantities than one pint: and whereas by  
another act of parliament made and paſſed in the ſeventeenth year of  
his Maſteſty's reign, intituled, An act for granting to his Maſteſty  
the ſurplus or remainder of the monies ariſen, or to ariſe, by the 17 Geo 2.  
c. 17.  
duties on ſpirituous liquors, granted by an act of the laſt ſeſſion  
of parliament; and for explaining and amending the ſaid act, in  
relation to the retailers of ſuch liquors, and for eſta bliſhing an  
agreement with the united company of merchants of England  
trading to the Eaſt Indies; it was, amongſt other things, enacted,  
That from and after the twenty fourth day of June, one thouſand  
ſeven hundred and forty four, every perſon who ſhould retail any ſpi-  
rituous liquors, mixed or unmixed with any ingredients, in leſs quan-  
tity than two gallons (except ſuch perſons only as by the ſaid act of the  
ſixteenth

*sixteenth year of his present Majesty, were authorized and impowered to take out licences for that purpose) should be deemed a retailer of spirituous liquors within the meaning of the same, and as such, forfeit and lose the sum of ten pounds for every such offence: and whereas the restrictions and penalties in the said acts contained, have been found to be inconvenient, so far as relates to honest reputable distillers, and the alteration thereof, in that particular, will also tend to the benefit of his Majesty's revenue: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates and duties on certain persons to be hereby authorized to retail spirituous liquors herein after mentioned; and do most humbly beseech your Majesty, that it may be enacted; and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty seven, it shall and may be lawful to and for the several distillers within the cities of London and Westminster, borough of Southwark, or weekly bills of mortality, to take out licences from his Majesty's commissioners of excise, for retailing brandy, rum, arrack, ulquebaugh, geneva, Aqua vitae, or any other spirituous liquors or strong waters; and the said commissioners of excise are hereby authorized, impowered, and required to grant such licences to every distiller and distillers, within the limits aforesaid, who shall apply for the same, upon payment of five pounds for every such licence, to be raised, levied, collected, and paid to his Majesty, his heirs and successors; and the same to be renewed yearly, upon payment of the like sum of five pounds, and to the same uses, intents, and purposes, and such licences to be taken out in the same manner, and subject to the like penalties for retailing without licence, as are directed, appointed, and enacted by the above-mentioned act of the sixteenth year of his present Majesty.*

Distillers within the bills of mortality may take out licences,

upon payment of 5 l. yearly.

*This duty repealed by 24 Geo. 2. c. 40.*

Distillers in partnership to have but one licence.

Qualification for licences.

Penalty on distillers re-

II. Provided always, That no more than one licence shall be granted to any distiller or distillers in partnership, whereby to authorize him, her, or them to retail any spirituous liquors, or strong waters, within the intent and meaning of this act; and that no such distiller or distillers shall be allowed to take out a licence by the authority of the same, unless he, she, or they, inhabiting within the city of London, are respectively rated, and do pay church and poors rates for the value of twenty pounds *per annum*, and inhabiting in any other parts within the weekly bills of mortality, for the value of ten pounds *per annum*, in the parish or place where he, she, or they shall exercise the trade of distilling; and if any licences shall be granted otherwise, or to any other persons than as aforesaid, the same are hereby declared void to all intents and purposes.

III. And be it further enacted by the authority aforesaid, That no distiller or distillers shall, by virtue of any such licence, retail

tail any spirituous liquors, or strong waters, in any other place <sup>tailing liquors</sup> or places than in his, her, or their own public shop and shops <sup>but in their shops, &c.</sup> only, and in no more than one shop by virtue of any one licence, under pain of forfeiting for every such offence the sum of ten pounds.

IV. And the better to prevent tippling, or any other disorder being committed, under colour or pretence of the liberty <sup>Penalty on</sup> by this act granted, be it enacted by the authority aforesaid, <sup>permitting</sup> That if any distiller or distillers, licenced and authorized by virtue of this act, shall at any time, from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty seven, by him, her, or themselves, or by any other person or persons employed by him, her, or them, sell or vend any spirituous liquors to be drank in his, her, or their shop or shops, houses, or other places thereunto belonging, or shall wilfully suffer or permit any person or persons to drink or tipple any such liquors in any the places aforesaid, every distiller or distillers so offending shall, for every such offence, forfeit and pay the sum of ten pounds; all which penalties and forfeitures shall be sued for, levied, recovered, and mitigated by such ways, <sup>Penalties how</sup> means, and methods, as any fine, penalty, or forfeiture, is or <sup>to be recovered and applied.</sup> may be recovered or mitigated by any law or laws of excise; the one moiety whereof shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, and prosecute for the same.

V. And be it further enacted by the authority aforesaid, That <sup>Penalty on</sup> every person and persons who shall, from and after the twenty <sup>persons found</sup> fourth day of *June*, in the year of our Lord one thousand seven <sup>tippling in</sup> hundred and forty seven, be found drinking or tippling in the <sup>distillers shops, &c.</sup> house, shop, or other place belonging to any distiller or distillers, contrary to the true intent and meaning of this act, shall, for every such offence, severally forfeit and pay the sum of twenty shillings, to be recovered and levied by way of complaint, to be made within three weeks after such offence or offences shall be committed, before one or more of his Majesty's justices of the peace for and near the place and places where the same shall happen, who is and are hereby required to summon before him or them the party or parties so offending, and in default of appearance, to issue warrants for apprehending such offender or offenders, and then proceed to examine such complaint upon oath (which oath he and they are hereby authorized to administer) and upon due proof of such offences, by the oath or oaths of one or more credible witness or witnesses, to convict the offender or offenders accordingly; and in case such forfeitures shall not be forthwith, after such conviction or convictions, paid, that then the same shall be levied by distress and sale of such offender's goods and chattels, by warrant or warrants under the hand and seal, or hands and seals of such justice or justices, rendering the overplus, if any, to such offender or offenders; and such forfeitures when levied, shall go and be applied to and for the use of the poor of the parish where such offence or offences shall be committed;

committed; and for want of sufficient distress, such offender or offenders shall be committed to the house of correction, for any time not exceeding two months, and not less than fourteen days, there to be kept to hard labour; and no person or persons so to be convicted, shall be capable of receiving any part of the penalties or forfeitures incurred by the distiller or distillers who shall sell or vend any such liquors so to be drank or tippled; any thing herein contained to the contrary thereof in any wise notwithstanding.

## C A P. XL.

*An act to revive, continue, and amend an act made in the ninth year of the reign of his late majesty King George the First, intituled, An act for clearing, deepthning, repairing, extending, maintaining, and improving the haven and piers of Great Yarmouth; and for deepthning and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships, wintering in the said haven, from accidents by fire.*

**W**HEREAS the ancient borough of Great Yarmouth in the county of Norfolk, hath, by long experience, been found to be of great importance, for advancing his Majesty's service and revenue, and trade in general, and more especially the fishery, and for educating and employing many thousands of skillful mariners and seamen: and whereas the inhabitants of the said borough, being unable to support the great and unavoidable charge of clearing, repairing, and maintaining the haven and piers belonging to the said borough, have, from time to time, been aided and relieved by several successive acts of parliament: and whereas an act was made in the ninth year of the reign of his late majesty King George the First (of glorious memory) whereby several duties were granted for clearing, deepthning, repairing, extending, maintaining, and improving the said haven and piers; and for deepthning the channel of that part of the river Yare called Braydon; and for making more navigable the said river Yare, and the rivers Waveney and Bure, which empty themselves into the haven of the said town of Yarmouth; and for repairing the bridge and publick keys belonging to the said town; and also for preserving ships wintering in the said haven; which act being expired, the said haven and piers have of late been, and still continue to be in so bad a condition, that the great sums of money already expended in and about the same, will prove useless, and the said haven and piers inevitably fall soon into irreparable decay, unless timely and effectual provision be made by parliament to prevent the destruction thereof: to the end therefore that the said haven and piers may be preserved and kept in repair; and that the channel of that part of the river Yare called Braydon, leading from Great Yarmouth, to the city of Norwich; and to much of the said river Yare, as lies between the new mills in Norwich and Hardly Crofs in Hardly, in the county of

of *Norfolk*; and alſo the rivers *Waveney* and *Bure*, commonly called the *North River*, may be deepened and made more navigable for boats and keels uſually paſſing upon the ſame; be it enacted, &c.

The duties granted by the recited act made payable for 2 years. The powers and clauſes, &c. of the recited act revived. Twelve commiſſioners to be elected. Collectors to account to them. Commiſſioners to inſpect the accounts of the monies due at the expiration of the recited act.

### C A P. XLI.

*An act for veſting in his Maſteſty the eſtates of certain traitors, and for more effectually diſcovering the ſame, and applying the produce thereof to the uſe of his Maſteſty, and for aſcertaining and ſatiſfying the lawful debts and claims thereupon.*

WHEREAS a moſt deſperate and bloody war and rebellion hath been levied and raiſed againſt his Maſteſty, in favour of the pretender to his crown, headed by the eldeſt ſon of the ſaid pretender, and aſſiſted by a body of troops, furniſhed by the enemies of his Maſteſty and his kingdoms, in which a number of his Maſteſty's ſubjects, contrary to their duty and allegiance, have been wickedly and traiteroſly engaged; and it being highly reaſonable, that the eſtates, real and perſonal, of the rebels and traitors, who have been or ſhall be duly attainted as guilty of, or engaged in the ſaid rebellion, ſhould be diſcovered and applied to the uſe of his Maſteſty, in the moſt ſpeedy and effectual manner; and that due proviſion be made for the ſatiſfaction of all juſt and lawful claims, which any of his Maſteſty's dutiful and loyal ſubjects may have to, upon, or out of the eſtates of ſuch rebels and traitors; be it therefore enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every the lands and heretages, debts, or ſums of money, and goods or chattels whatſoever, and generally the eſtates, goods, and effects, heretable and moveable, real and perſonal, deſcendible to heirs or executors, jurisdictions, life-rent rights, or of what nature or kind ſoever they be, in that part of *Great Britain* called *Scotland*, or elſewhere, whereof any perſon or perſons, who, ſince the twenty fourth day of *June*, in the year of our Lord one thouſand ſeven hundred and forty five, hath or have been attainted, or, before the twenty fourth day of *June*, in the year of our Lord one thouſand ſeven hundred and forty eight, ſhall be attainted by any laws or ſtatutes of this realm of high treaſon, for levying war within this realm, or for conſpiring the death of his Maſteſty, or for any other high treaſon whatſoever, committed before the ſaid twenty fourth day of *June*, one thouſand ſeven hundred and forty eight, within *Great Britain*, or elſewhere, was, were, or ſhall have been ſeiſed or poſſeſſed of, or intereſted in, or intituled unto on the twenty fourth day of *June*, one thouſand ſeven hundred and forty five, or at any time afterwards,

The eſtates real and perſonal of certain traitors veſted in his Maſteſty.

wards, in his, her, or their own right, or to his, her, or their own use, or whereof any other person or persons was, were, or shall have been seised or possessed of, or interested in, or intitled unto, to the use of, or in trust for them, or any of them, shall, according to the several and respective estates and interests, which the said person or persons, attainted or to be attainted, within such days and times as aforesaid, or any in trust for them, or any of them, had or shall have had therein as aforesaid, or did or might forfeit by such attainder, stand and be forfeited to his Majesty, his heirs and successors, and shall be deemed, vested, and adjudged, and are hereby declared and enacted to be in the actual and real possession of his Majesty, without any office or inquisition thereof hereafter to be taken or found, and without any declarator of forfeiture to be obtained.

II. And to the end that all the estates of the said traitors, of what nature soever, within that part of *Great Britain* called *Scotland*, hereby, or otherwise vested, or hereby intended to be vested in his Majesty, and the yearly and other values thereof, and all incumbrances thereupon, may be the better discovered, known, described, and ascertained, and that the rents, issues, and profits thereof may be recovered and brought in for the use of his Majesty, and that due examination be taken, and satisfaction made of all just and lawful claims to, upon, or out of the said estates, or any of them; be it further enacted by the authority aforesaid, That the lord chief baron, and other barons of the court of exchequer in *Scotland* for the time being, or any three or more of them, are hereby authorized, impowered, and required to inquire into all such estates, both real and personal, within that part of *Great Britain* called *Scotland*, as are hereby, or otherwise vested, or hereby intended to be vested in his Majesty; and to cause all and every the rents, issues, and profits of the said real estates, until sale thereof, to be effectually levied and paid unto the receiver-general of his Majesty's land rents, and casualties in *Scotland*, for the time being, who is hereby required to pay the same forthwith into the receipt of his Majesty's exchequer at *Westminster*, for his Majesty's use; and to account for the same in like manner, as other publick monies received and paid by him into the said receipt, are accounted for by him; and to levy, raise, secure, and cause to be sold, all such goods, debts, and personal chattels and estates, within *Scotland*, as are hereby, or otherwise vested in his Majesty, and to sell the said real estates, after the claims relating to such estates respectively shall be determined, or otherwise dispose of the same in the manner herein after provided; and out of the rents and produce of the said estates, real or personal, to cause payment or satisfaction to be made of such sums of money, as shall be due to any claimants upon the same; and in the execution of the premises, the said barons shall and may proceed in virtue of the power hereby granted to them, in a summary way, without the formalities usually practised or observed in their proceedings, as a court of justice.

Barons of the exchequer in Scotland, to inquire into the forfeited estates;

and to cause the rents to be paid to his Majesty's receiver general, &c.

and the personal estates, &c. to be seized and sold, after claims determined, &c.

Barons to proceed in a summary way.

III. And for the better enabling the said barons of the said court of exchequer, to put in execution all the several and respective powers and authorities by this act committed to their charge and trust; be it further enacted, That on or before the twenty sixth day of *July*, in the year of our Lord one thousand seven hundred and forty seven, all and every officer and officers who has or have, or shall, before the said day, have the custody of any record or records of the attainder of any such traitor or traitors (other than of such who have been, or shall be attainted by act of parliament) shall transmit, or cause to be transmitted to the King's remembrancer, in the court of exchequer at *Edinburgh*, or his deputy, estreats or certificates under their respective hands, or the hands of their lawful deputies, containing lists of all the persons, who since the twenty fourth day of *June*, in the year one thousand seven hundred and forty five, shall appear by the said records in their respective custody, to have been adjudged to be guilty of high treason; which lists shall contain the names, titles, and additions of such persons, the species of treason, of which, and the respective times, places, and courts, when and where they were so attainted; and after the said twenty sixth day of *July*, the like officers shall, from time to time, cause to be transmitted to the office of the King's remembrancer at *Edinburgh*, the like estreats or certificates, or lists of all other attainders for high treason, had at any time before the twenty fourth day of *June*, one thousand seven hundred and forty eight, and that within the space of thirty days after such attainders; all which estreats, certificates, or lists, the King's remembrancer in the court of exchequer at *Edinburgh*, or his deputy, shall enter in a book to be provided and kept by him for that purpose.

Lists of persons adjudged of high treason, to be transmitted to the King's remembrancer at *Edinburgh*;

Lists of other attainders to be transmitted,

to be entered in a book.

IV. And it is hereby enacted, That an extract from that book, signed by the said remembrancer, or his deputy, certifying that any person therein mentioned was attainted of high treason, shall be taken and held as sufficient evidence of such attainder in all courts of justice within *Scotland*, so far as may concern the execution of this act, as fully as if the record of such attainder were produced in such courts.

Extract from the book of record to be admitted as evidence.

V. And be it enacted by the authority aforesaid, That the said barons of exchequer, or any three of them, shall, and they are hereby authorized, from time to time, by and with the approbation of the commissioners of his Majesty's treasury, or the high treasurer for the time being, to appoint and employ proper persons to be surveyors, messengers, or other necessary officers for the execution of this act; which surveyors, messengers, and officers respectively, are hereby required faithfully to execute and perform the trust in them respectively reposed, without taking any thing for such their service (other than such fees, salaries, or rewards, as the said barons, or any three of them, by and with such approbation as aforesaid, shall think fit and direct in that behalf) and every such surveyor, messenger, and officer, before he enters on the execution of his employment, shall take the oaths prescribed by the act of the first year of his late Majesty's

The barons to appoint officers for the execution of this act.

Officers fees allowed by the barons.

Officers to take oaths.



jeſty's reign, for the further ſecurity of his Majeſty's perſon and government, and other purpoſes therein mentioned; and alſo an oath for his true and faithful demeanor in all things relating to the truſt repoſed in him by the ſaid barons, or any three of them; and that he will not, directly or indirectly, receive or take any fee or reward, or expect or accept the promiſe of any fee or reward, for any thing whatſoever to be done by him in the execution of the ſaid truſt (except what ſhall be ſettled or allowed by the ſaid barons or any three of them) and that he will not, directly or indirectly, have any part, ſhare, or intereſt, or make any benefit by any diſcovery of any forfeited or forfeitable eſtate or intereſt whatſoever, intended to be applied to the uſe of his Majeſty, in purſuance of this act, or conceal, or cauſe or procure to be concealed, the ſame, or any part thereof.

Salaries and other charges to be paid by the receiver-general.

VI. And be it further enacted by the authority aforeſaid, That there ſhall and may be paid to ſuch perſon or perſons as the ſaid barons, or any three of them, by and with ſuch approbation as aforeſaid, ſhall nominate, by way of impreſt, and upon account, for payment of ſalaries of inferior officers to be employed under them, and for incident charges in or for the performance of the ſeveral truſts by this act committed to the ſaid barons, ſuch ſums of money, as the ſaid commiſſioners of his Majeſty's treasury, or the high treaſurer for the time being, judge to be neceſſary and reaſonable in that behalf, out of ſuch monies as ſhall, from time to time, be or remain in the hands of the ſaid receiver-general, by virtue of any of the claules, matters, or things in this act contained; and that the ſaid ſalaries of inferior officers ſhall not be liable to any taxes or aſſeſſments by any act of parliament made or to be made; any law or ſtatute to the contrary notwithstanding.

Salaries of inferior officers exempted from taxes.

The barons may meet and act without adjournment;

and ſend for perſons and papers;

and adminiſter oaths.

VII. And be it enacted by the authority aforeſaid, That the ſaid barons, or any three or more of them, ſhall and may meet, act, and proceed, from time to time, with or without adjournment, within term time, or without; and ſhall and may ſend their precept or precepts for any perſon or perſons whatſoever to appear before them, and for all ſuch books, papers, writings, and records, as they ſhall think neceſſary for their information, in any matters or things relating to this act, without any fee, charge, or reward to be paid for the ſame; and ſhall and may detain in their cuſtody ſuch books, papers, writings, and records ſo long as they ſhall have occaſion for the ſame, and then return ſuch books, papers, writings and records to ſuch perſons to whom they reſpectively belong; and ſhall and may adminiſter oaths for the better diſcovery of the truth of the enquiries by them to be made, to any perſon or perſons therein concerned, or to any other perſon or perſons whatſoever; and all ſheriffs, ſtewards, bailies, conſtables, and other officers and miniſters whatſoever, are hereby required to obey and execute ſuch orders and precepts as ſhall be ſent to them, or any of them, by the ſaid barons, or any three of them, as they will answer the contrary at their utmoſt perils; and the ſaid barons, or any three of them, are hereby impowered and required

required in a summary way, and without the formalities of proceedings in the courts of law or equity, to enquire and inform themselves by and upon the testimony of witnesses, upon oath, examination of persons interested, upon their oaths, inspection and examination of deeds, writings, and records, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as conveniently may be; and to make a register in books to be provided for that purpose, of the names of all such persons attainted, or to be attainted of high treason, within the times aforesaid, and of all real and personal estates and interests whatsoever by this act, or otherwise vested in his Majesty, for or by reason of such attainder, and by whom any such estate or estates was or were respectively forfeited or forfeitable, and what estate or interest every such person attained, or to be attained for high treason as aforesaid, had in any of the premises on the respective days and times, on or from which they are hereby, or otherwise vested in his Majesty, or at any time afterwards; and by what tenures the same, or any of them respectively, were then holden; and of all incumbrances whatsoever, to which any of the said estates forfeited or forfeitable for high treason, were liable or subject before, and upon the same days and times respectively: and in case any person or persons, summoned to appear before the said barons for discovery of the premises, shall neglect or refuse to appear, or be examined as aforesaid; then, and in every such case, it shall and may be lawful to and for the said barons, or any three of them, to commit the person and persons so neglecting or refusing as aforesaid, to the common gaol of the county, shire, or stewartry respectively; there to remain without bail or mainprize, until such person or persons shall conform themselves, and submit to be examined as aforesaid: and if any officer or officers shall neglect or refuse to give obedience to the precepts and orders of the said barons, or any three of them, for the due execution of this act, then, and in every such case, it shall and may be lawful to and for the said barons, or any three or more of them, to impose any fine upon such officer or officers, not exceeding fifty pounds sterling, for any one offence; and to commit such officer or officers, till such fine shall be paid unto the said receiver general for the use of his Majesty.

Persons refusing to appear to be committed.

Penalty on officers on default of duty.

VIII. And for encouraging all and every person and persons whatsoever any ways indebted, or liable to pay to any such forfeiting person or persons, any sum of money hereby or otherwise vested in his Majesty as aforesaid, to make a speedy discovery thereof to the said barons, or any three or more of them, and to pay a proportion thereof as this act directs, be it enacted by the authority aforesaid, That every such person who shall make a full and true discovery to the said barons, or any three or more of them, of any concealed debt, or sum of money so due and payable unto any person or persons attainted, or to be attainted of high treason within the days and times aforesaid,

Persons discovering debts, &c. payable to persons attainted,

and paying  
two thirds  
thereof by the  
times limited,

to be discharg-  
ed.

Person indebted,  
not making  
discovery,  
to forfeit  
double value.

Persons possess-  
ed of goods,  
&c. making  
discovery,

to be allowed  
a fourth ;

and on de-  
fault, to for-  
feit double  
value.

Barons may  
make compo-  
sitions for such  
debts, or  
chattels ;

and settle  
bonds, debts,  
&c.

said (not being a debt by judgment, statute, recognizance, or on any registered bond or contract) and pay two third parts thereof within the respective times following (that is to say) of debts owing to persons attainted before the first day of *May*, in the year one thousand seven hundred and forty seven, on or before the first day of *December*, in the year one thousand seven hundred and forty seven, and of debts owing to persons attainted afterwards, before the expiration of six calendar months after such attainders respectively, unto the said receiver-general, for the use of his Majesty, shall be and are, by force and virtue of this act, released and discharged of the entire debt, or sum of money so due and payable as aforesaid ; but all and every person and persons so indebted, or liable as aforesaid, who shall neglect to make such discovery to the said barons, within the respective times aforesaid, shall forfeit double the value of such debt or sum of money ; to be recovered by action, bill, suit, or information, to the use of his Majesty as aforesaid ; and all and every person or persons who were, or have been, or shall have been possessed of any personal goods or chattels, of or belonging to any such persons attainted, or to be attainted of high treason as aforesaid, when the same became forfeited, or afterwards, or shall be thereof possessed before the first day of *July*, one thousand seven hundred and forty seven, are hereby strictly charged and required to discover and make known the same to the said barons, before the said first day of *December*, one thousand seven hundred and forty seven ; and the said barons, or any three or more of them, shall and may thereupon allow to every person discovering the same, such proportion as they shall think reasonable for such discovery, not exceeding one full fourth part of the said personal goods and chattels, or the proceeds thereof ; but all and every person and persons, having such goods and chattels in his, her, or their custody and power, and neglecting to discover the same before the said first day of *December*, shall, for such offence, forfeit double the value of such personal goods or chattels, to be recovered for the use of his Majesty as aforesaid ; and the said barons, or any three or more of them, are hereby authorized and empowered to make any such compositions or agreements, touching any such debts, or personal goods or chattels so as aforesaid to be discovered, as the said barons, or any three or more of them, shall, in any such case, on due consideration of the nature thereof, or circumstances of the parties concerned therein, think fit and reasonable ; which compositions or agreements shall be valid in law, so as the monies payable upon every such composition or agreement be paid unto the said receiver-general for the use of his Majesty, within the respective times allowed by the said barons, or any three or more of them, for payment thereof ; and where any of the said debts are secured by bonds or obligations with penalties, or are due and owing upon accounts not adjusted, the said barons, or any three or more of them, are hereby authorized to state, settle, and deter-

mine

quire the same; and that every person, not being so indebted, or not being possessed of such personal goods and chattels as aforesaid, who shall at any time after the said first day of *July*, and before the first day of *December*, discover to the said barons, or any three or more of them, any such debts, or personal goods and chattels concealed until the time of such discovery, shall be intitled, by virtue of this act, to have and receive for his or their reward, so much as the said barons, or any three or more of them, shall judge to be reasonable, not exceeding one fourth part of such debts, or one fourth part of such personal goods or chattels, or of the value thereof so discovered after recovery of the same, to be paid over and delivered to him, her, or them, by warrant of the said barons, or any three or more of them, from time to time, and that every person who shall, after the said first day of *July*, and before the said first day of *December*, discover to the said barons, or any three or more of them, any lands, tenements, rents, hereditaments, or chattels real, forfeited as aforesaid, and concealed until the time of such discovery, shall be intitled, by virtue of this act, to have and receive for his or her reward, such proportion of the said lands, tenements, rents, hereditaments, and chattels real, as the said barons, or any three or more of them, shall judge to be reasonable, not exceeding one fourth part thereof, or of the value of the same, after recovery thereof, and the said barons, or any three or more of them, shall deliver certificates, under their hands and seals, to all and every person and persons, who shall make any such discovery or discoveries as aforesaid, specifying the lands, tenements, rents, hereditaments, chattels, or real estates, by him or her so discovered, and the part, share, or proportion thereof, or of the value of the same, which he, she, or they ought to have in respect thereof, and the said barons are hereby impowered and required to cause to be paid, delivered, assured, or conveyed, such parts, shares, and proportions, to the said discoverers, their heirs, executors, administrators, and assigns respectively, and that as soon as conveniently may be, after the time shall be elapsed for entering claims in manner herein after mentioned, on the estates real or personal so discovered, as to such estates real or personal, upon which no claim shall be entered, and as soon as conveniently may be after such claim or claims as shall be entered, relating to such estates real or personal respectively, shall be determined.

IX. Provided always, That the shares of the estates real or personal so discovered, that shall be allowed to the discoverers, shall suffer a deduction or abatement proportional to the claims to, upon, or out of the same respectively, which shall be made and affirmed

X. And to the intent the personal goods and chattels herein before, or otherwise vested in his Majesty, may be disposed of, and the value thereof applied to the use of his Majesty, be it further enacted by the authority aforesaid, That the said barons shall, as soon as conveniently may be, use their utmost endeavours

Persons not indebted, &c. making discovery,

allowed a fourth.

Persons discovering concealed estates, &c.

intitled to a fourth.

Barons to give certificates to persons making discoveries,

and to cause their shares to be paid, &c.

Deductions for claims out of the shares allowed to discoverers.

The goods to be secured from embazement,

and inventories and appraisements to be made.

The goods to be sold by auction.

Entry to be made of the goods, and the persons to whom sold.

Buyers to have certificates :

On payment the goods to be delivered.

Buyers not making payment, to forfeit one third,

and the goods to be set up again.

Persons entering upon forfeited estates, after 25 June, 1746.

vours to secure all such goods and personal chattels, in such places, and in the custody of such persons as shall be thought most proper by the said barons, for preventing the perishing, or any loss or embezzlement thereof; and shall make or cause to be made, a true and perfect inventory or inventories thereof, containing a true and particular account of all such goods and chattels, by whom they were forfeited, and when, and by whom delivered to the said barons, or any persons by them appointed to receive the same; and shall also cause a just appraisement thereof to be made, upon the oaths of any two persons, to be appointed by the said barons, or any three or more of them, for that purpose (which oath the said barons, or any three or more of them, have hereby power to administer) and the said barons, or any three or more of them, are hereby authorized and required to sell all and singular such goods and chattels so inventoried and appraised, according to their best skill and judgment; and for that purpose shall cause publick notice to be given by the space of ten days, at least, of the time, and where they intend to begin to expose to sale any part or parcel thereof, and of the several particulars then and there to be sold, at which time they shall sell the same by cant or auction, to such person or persons who shall bid most for the same; and immediately upon every such sale or contract, shall cause an entry to be made in their book, of all and every the personal goods and chattels so sold or contracted for, and of the buyer's names and places of abode, and the prices agreed upon; and for the further assurance thereof to the buyers, the said barons, or any three or more of them, shall give a certificate under their hands and seals, unto the buyers respectively, expressing the particulars so by them bought, the prices, and time of sale; and every such buyer shall thereupon pay the said prices unto the said receiver general, at such time or times, as shall be agreed upon with the said barons, for the use of his Majesty; and the said barons, or any three or more of them, being satisfied with the payment thereof, shall forthwith order the particulars so bought and paid for, to be delivered to the buyer or buyers, his, her, or their assigns; and in case any person or persons who shall have contracted for any such personal goods or chattels, as aforesaid, shall make any default in payment of the monies contracted for, he, she, or they shall forfeit one third of the sum which the said goods were contracted for; and the said barons, or any three or more of them, may, and shall proceed to a new sale of all and every such personal goods and chattels, for which such default shall be made, unto any other person or persons, as if no sale thereof had before been made.

XI. And be it enacted, That all and every person and persons, who since the twenty fifth day of *June*, one thousand seven hundred and forty six, have entered into or upon any of the said forfeited estates, or any part thereof, and held and enjoyed the same, without any lawful title thereunto, shall be responsible for all and every the profits of the same premises, during

the time of his, her, or their occupation thereof, and shall  
 er and pay the value thereof unto the said receiver-general, <sup>not paying the</sup>  
 days or times as shall be appointed by the said barons, <sup>profits,</sup>  
 or any three or more of them, or in default thereof shall forfeit <sup>to forfeit dou-</sup>  
 double the value of the same profits by him, her, or them re- <sup>ble.</sup>  
 ceived, for the use of his Majesty.

XII. Provided nevertheless, if any such person or persons <sup>On their dis-</sup>  
 shall, on or before the first day of *December*, one thousand seven <sup>covery,</sup>  
 hundred and forty seven, discover to the said barons, such lands,  
 tenements, or hereditaments to by them enjoyed (the same be-  
 ing concealed till the time of such discovery) all and every such <sup>to be discharg-</sup>  
 person and persons are hereby declared to be discharged of <sup>ed.</sup>  
 from any account of the profits thereof received or had before  
 the said first day of *December*: and whereas it is likely, that  
 since the said twenty fifth day of *June*, the occupiers of several  
 of the said forfeited or forfeitable estates and interests, and other  
 the premises, or others, may have presumed to commit great  
 spoil, waste, and destruction upon the same estates, by cutting  
 down great quantities of timber-trees, and other trees, woods,  
 groves, and coppices, and otherwise; be it further enacted, <sup>Committing</sup>  
 That every such occupier, and all and every other person and <sup>spoil,</sup>  
 persons, who since the said twenty fifth day of *June*, have com-  
 mitted, or at any time before the sale or sales of such premises,  
 to be made in pursuance of this act, shall commit any such spoil,  
 waste, or destruction, shall pay treble damages for the same, <sup>to pay treble</sup>  
 be ascertained by the said barons, in a summary way; and for <sup>damages.</sup>  
 the speedy levying thereof to his Majesty's use, the like execu-  
 tion shall issue forth, as in case of a debt due to his Majesty.

XIII. And to the end that all and every the rents, issues, and  
 profits of the said estates may for the future, and until sale  
 thereof as aforesaid, be effectually levied and paid into the said  
 exchequer; be it further enacted by the authority aforesaid, <sup>Stewards to be</sup>  
 That it shall and may be lawful to and for the said barons, or <sup>appointed,</sup>  
 any three or more of them, by and with the approbation of the  
 said commissioners of the treasury, or of the high treasurer for  
 the time being, to appoint stewards, receivers, bailiffs, or fact-  
 ors, on the said forfeited estates, with full power to lett and set  
 the said estates for any term not exceeding three years, and to  
 receive the rents and profits, and to grant discharges and acquit-  
 tances thereof, and to hold courts, and pass decrees for payment  
 of rents, and to put the said decrees in execution, and to do all  
 acts, matters, and things necessary for managing the said estates,  
 usually done by stewards, receivers, bailiffs, or factors, on the  
 said respective estates, according to the laws in *Scotland*, and <sup>The ministers,</sup>  
 particularly to pay yearly out of the said rents, the stipends or <sup>&c. money</sup>  
 salaries of ministers and schoolmasters, and the cess or land tax, <sup>and land tax</sup>  
 that shall by law be payable out of such estates; the pay or sala- <sup>to be paid.</sup>  
 ries of which stewards, receivers, bailiffs, or factors, shall not <sup>Stewards sa-</sup>  
 exceed the tenth part of the yearly value of the rents and profits <sup>lary.</sup>  
 of the forfeited estates, for the management of which they shall  
 be respectively appointed.

Steward to  
take the  
oaths.

and to give se-  
curity.

XIV. Provided always, That all and every steward, receiver, bailiff, or factor, to be so appointed, before he enter on the execution of his office, or be capable to perform any part thereof, shall be approved of as aforesaid, and shall take the oath appointed to be taken by the said act of the first year of His late Majesty, and shall give bond to the King's majesty for a sum not less than two years rent of such estate or estates as he shall be appointed steward, receiver, bailiff, or factor over, with sufficient security for the payment thereof, in case he shall fail to pay to the said receiver-general at such days and times as he shall be thereto required by the precept of the said barons, or any three or more of them, all and every sum or sums by him received out of the estate or estates on which he shall be appointed steward, receiver, bailiff, or factor, and to account for all such sums as shall remain due and payable in the hands of the tenants or possessors at the time of his accounting, by producing evidence that he hath used all due and lawful means and diligence for recovering of all such sums so remaining due and payable; and all and every steward, receiver, bailiff, or factor, shall be fully acquitted and discharged by the said exchequer, upon his paying and accounting as aforesaid.

Sequestrations  
of the forfeited  
estates, made  
otherwise,

XV. And be it further enacted, That all and every sequestration, suspension, arrestment, and other act and decree made and passed in any court of judicature since the first day of August, one thousand seven hundred and forty five, or which shall hereafter be made or passed, otherwise than according to the directions of this present act, whereby any right, title, charge, or interest in, to, out of, or upon any of the said forfeited estates, hath been, or shall be decided and determined in favour of any creditor, or persons claiming interest therein, or whereby any person or persons have been, or shall be intitled to possess any part of the said estates, real or personal, or to levy, receive, or discharge any part of the rents and profits of the same by any such decrees or sentences, or without any lawful title, are hereby declared to be void, null, and of no effect, as if the same had never been made or passed.

to be null.

XVI. And whereas several persons in possession of the messuages, lands, tenements, and hereditaments which shall have been found by the said barons to be forfeited and vested in his Majesty by virtue of this act, or who have received the rents and profits of the same since the twenty fifth day of June, one thousand seven hundred and forty six, or are otherwise indebted to his Majesty by virtue of this act, may refuse or neglect to pay the same unto the said receiver-general, according to the direction of this act; be it therefore enacted by the authority aforesaid, That the said barons, or any three or more of them, shall and they are hereby impowered and required to call to account all and every person or persons, their heirs, executors, administrators, and successors, who by virtue of any sequestration, or other decree, made and passed by any court of judicature, since the first day of August, one thousand seven hundred and forty five, or by virtue of any other right or title,

Persons who  
have taken  
possession by  
sequestration,  
&c. since  
1 Aug. 1745,  
to account.

title, hath taken or retained, or shall take or retain possession of any part of the said forfeited estates, real or personal, or have levied or discharged, or who shall levy, receive, or discharge any part of the said rents, issues, or profits of the said estates (not herein before excepted) which have become due since the twenty sixth day of June, one thousand seven hundred and forty six, for his or their possession or intromissions with the same, or who have incurred or shall incur any penalty or penalties, or are otherwise indebted to his Majesty by virtue of this act, and upon his, her, or their appearance, or neglect, or refusal thereof, after being thereto duly required by precept as aforesaid, the said barons, or any three, or more of them, shall and they are hereby empowered and required in a summary way, without the formalities of proceedings in the courts of law or equity, to enquire and inform themselves, by and upon the testimony of witnesses upon oath, examination of persons interested, upon their oaths, inspection and examination of deeds, writings, accounts, and records, or by all or any of the said ways and means, or otherwise, according to their directions, as soon as conveniently may be, to state and settle the sums due and payable by every such person or persons, for or on account of their said intromissions, debts, penalties, or forfeitures aforesaid, and to direct their precepts, ordering them, their heirs, executors, administrators, and successors, to make payment of the money appearing to be due thereupon unto the said receiver-general, and to deliver up to the said barons, or any three or more of them, or their order, all such forfeited goods and chattels as have been, or shall be intromitted with and possessed by them, at such days and times, as by the said barons, or any three or more of them, shall be limited and appointed by their said precepts; and in case of neglect or refusal to comply with the said precepts, the said barons, or any three or more of them, are hereby authorized and empowered to order such proceedings to be had thereupon, as if the contents of such precepts had been duly found by inquisition, taken and returned into the said court of exchequer.

Barons to proceed in a summary way, &c.

and to direct their precepts for payment of the sums due,

and for delivering up the forfeited goods, &c.

XVII. And, to the end that all and every the said estates and interests hereby, or otherwise vested in his Majesty, whereof the said barons of exchequer shall upon enquiry make discovery, and seize or recover the possession, may be duly published, so as all persons having interest may have notice thereof, in such manner as they may enter their claims upon the same, in the manner herein after provided; be it enacted by the authority aforesaid, That the said barons of exchequer shall cause the register, or books herein appointed to be kept, of the names of all persons attainted of high treason within the times aforesaid, and of all real and personal estates and interests by this act, or otherwise, vested in his Majesty, or an authentick copy or duplicate of such books, to be kept by a proper officer, who shall make the same open and patent to the inspection of all persons who shall demand the same, betwixt the hours of ten and twelve in the forenoon, upon any lawful day, without any fee or reward; and in

Register of the forfeited estates to be kept.



Copy of the register to be transmitted to the treasury.

Duplicate of the entries to be sent to the sheriff.

Sheriff to give notice.

Estates to vest in his Majesty, where no claims are entered;

and where claimed, upon payment of the debts.

Estates to be sold, where his Majesty shall not discharge the claims within 12 months.

the said books shall be expressed the dates when the entries of the several estates real or personal that shall be there ingrossed, were made; and the said barons, or any three or more of them, shall also transmit to the said commissioners of his Majesty's treasury, or the high treasurer of *Great Britain* for the time being, an authentick copy of the said register or books.

XVIII. And it is hereby further enacted, That when any real or heretable estate shall be entered in the said register, the said barons shall, from time to time, within the space of one month after such entry, transmit, or cause to be transmitted, an authentick copy or duplicate of every such entry to the sheriff of the shire, or steward of the stewartry, within which the lands or other heretable or real estate are situated; and every such sheriff or steward shall, and is hereby required, within twelve days after he shall receive such duplicate or copy, to cause the same to be published at the market cross of the head burgh of the shire or stewartry and to cause to be inserted in a book to be provided and kept for that purpose by the clerk to such sheriff or stewards courts; all which books shall be made open and patent to any persons demanding inspection of the same, upon any lawful day between the hours of ten and twelve in the forenoon, without fee or reward.

XIX. And be it further enacted, That all and every the estates and interests which shall be entered in the register, to be kept by the said barons of the exchequer, according to the directions of this act, to or upon which no claim shall be entered within the time, and in the manner herein after prescribed, shall be deemed and taken against all persons, and to all intents and purposes, to be vested in his Majesty in virtue of this act; and such estates and interests as shall be so entered in the said register, and to or upon which claims shall be entered, shall in like manner be deemed and taken to be vested in his Majesty; subject only to such burden, diminution, or eviction, as shall arise from the determination of the claims that shall be so entered, and no otherwise.

XX. And, to the end that all and every the said estates and interests, herein before vested in his Majesty, may be disposed of in the most beneficial manner, and the produce and value thereof applied for the payment and satisfaction of such claims, out of the respective estates, as shall be decreed to be just and lawful, and the remainder for the use of his Majesty, his heirs and successors; be it further enacted, That in case his Majesty, his heirs or successors, shall not make effectual provision for the payment or satisfaction of all such debts and claims, within the space of twelve months after the same shall be respectively adjudged, then it shall be lawful for the said barons, or any three of them, and they are hereby required to sell, or cause to be sold, so much of the estates of the attainted persons, as they shall judge necessary to be sold for satisfaction of the debts and claims affecting the same, and apply the money arising by the

the sale thereof respectively, in discharge of the several debts or claims to which they shall be adjudged to be liable.

XXI. Provided nevertheless, That if his Majesty, his heirs or successors shall, after the expiration of the said time, make effectual provision for the payment or satisfaction of all the debts or claims upon any such estate, and shall, before the same is sold, by warrant or warrants under his or their sign manual, at any time or times, direct any such estates not to be sold; then the said barons shall not proceed in the sale of any estates so prohibited to be sold; and in respect to the sale of the said estates, or any part thereof, the said barons of the exchequer are hereby authorized and required to proceed in such manner and form, and according to such rules, as the barons of the court of exchequer in *Scotland* were directed to observe, by an act made in the thirteenth year of the reign of his late Majesty, intituled, *An act for sale of such of the forfeited estates in that part of Great Britain called Scotland, as remain unsold, and are vested in the crown; and for determining such claims in the said estates, as having been duly entered, remain undetermined.* 13 Geo. 1. c. 28.

XXII. And, that no person or persons whatsoever, having any estate, right, title, or interest in law or equity, in, to, or out of any of the forfeited or forfeitable estates and premises, may be in any respect prejudiced by this act, be it enacted by the authority aforesaid, That all and every person and persons whatsoever, bodies politick and corporate (other than and except all such forfeiting persons as aforesaid, and the heirs, executors, administrators and assigns, and every of them, and all and every person and persons having or claiming any thing in the premises, or any part thereof, to the use of, or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators) having any estate, right, title, interest, use, trust, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance whatsoever in law or equity, in, to, or out of, or upon any castles, honours, manors, messuages, lands, tenements, rents, or hereditaments whatsoever, or to any real or personal estate, or any other the premises whatsoever, herein before or otherwise vested in his Majesty, by or under any settlement, conveyance, judgement, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting, or which was binding on the forfeiting persons, and might have affected the same estate, before the respective days and times whereon the same was vested in his Majesty as aforesaid, and also all and every person and persons, bodies politick and corporate, pretending to have right or title to any estate, which shall have been seized or surveyed by the said barons, for the use of his Majesty, and who shall pretend that none of the persons attainted, since the twenty fourth day of *June*, one thousand seven hundred and forty five, and before the twenty fourth day of *June*, one thousand seven hundred and forty eight, for high treason, was seized or possessed of, or interested in, or intitled unto such estate in his, her, or their own right, or to his, her, or their own use, nor any

Estates not to be sold, where his Majesty shall so order, and make payment of the claims.

Claims on personal estates, &c. to be made within 3 months,

and claims on  
real estates,  
within 6  
months ;

Claims of per-  
sons incapaci-  
tated, by  
whom to be  
made ;

where to be  
tendered, &c.

Claim to be  
registered.

any other person in trust for them, or any of them, on the said twenty fourth day of ~~June~~, one thousand seven hundred and forty five, or at any time since, or that they have right or title to such estate, shall, within the space of three months, to be reckoned from and after the date of the entry that shall be made in the register book in the exchequer of any personal estate, and in case of real estates, within six months of the entry of the register, to be kept in the county or stewardry where such estate lies, in manner herein before directed, of the estate or interest in, to, or out of which such claims and demands are to be made respectively, enter all their respective claims and demands before the court of session in *Scotland*, in such manner as is herein after mentioned ; or in default thereof every such estate, right, title, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, charge, or incumbrance, in, to, out of, or upon the said premises, or any part thereof, shall be and is hereby declared to be null and void to all intents and purposes whatsoever ; and the estate or estates so as aforesaid liable unto or charged therewith, shall from thence be freed, acquitted, and discharged of and from the same ; and all such claims and demands of infants, shall and may be made by their fathers or guardians, or any other persons in their behalf, and all claims of femmes covert by their husbands, or any other persons on their behalf ; and all claims of madmen, ideots, or lunatics, by such person or persons under whose care or custody they are or shall be at the time of entering such claims ; and that all such claims shall be made and tendered to the court of session, in time of session, or to the lord ordinary on the wills in time of vacance, written in parchment, and signed by the party or parties making the same, or such other person or persons on his, her, or their behalf as aforesaid, or signed by the attornies or factors of the party or parties having the interest claimed ; and such signing shall be testified by two or more credible witnesses, who shall subscribe their names to attest the same ; and every claimant shall therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance, he or she demand or claim in, to, out of, or upon any part of the premises, by and under what grant, gift, settlement, conveyance, security, title, or incumbrance, he or she do claim the same ; and if such party claimant hath, demands, or claims any estate, right, title, or interest, in or to any part of the premises, by virtue of any incumbrance, for any debt or sum of money whatsoever, such party shall also in his claim set forth such incumbrance, and the dates and the contents thereof, and the witnesses thereto ; and if the same be recorded, when and where the same was entered on record, and whether such debt and sum of money was and is really due, and remains wholly unpaid and unsatisfied, and what part and how much thereof has been really and truly satisfied, by money paid, perception of profits, or by any other ways or means whatsoever ; and every such claim shall be transcribed by order

order of the said court, and entered in books to be provided and fairly kept by them for that purpose; and the said court of session is hereby impowered and required to proceed in a summary way, without abiding the course of any roll, as well out of as in term time, to hear and determine all such claims; and every such decree of the court of session shall be final, and binding upon all parties concerned, in case thirty days, on any of which such proceedings as are usual and competent by the laws of *Scotland*, for reversing or amending such decrees, shall elapse without such proceedings being had, made, or commenced by either party.

Court to proceed in a summary way in determining the claims.

XXIII. And, to the end that due care may be taken of the interest of his Majesty in respect of such claims as shall be offered as aforesaid, it is hereby further enacted, That the King's advocate, or in his absence his Majesty's solicitor general in *Scotland*, shall, and they are hereby impowered and required to provide for making proper answers and defences on behalf of his Majesty to all such claims as shall be offered as aforesaid, and for reversing, affirming, or amending the decrees that shall be passed upon such claims, as they shall see cause.

The King's rights to be defended by his advocate, or the solicitor general.

XXIV. And be it further enacted, That the court of session shall, and they are hereby impowered and required, in a summary way, and without the formality of proceedings in the courts of law or equity, to proceed by and upon the testimony of witnesses upon oath, examination of persons claiming, or otherwise interested, upon their oaths, inspection, and examination of deeds, writings, and records, or by all or any of the said ways and means, or otherwise, according to the circumstances of the case, as soon as conveniently may be, to hear, and determine, and adjudge all and every claim and claims, which shall be entered within the times aforesaid; and that every party claiming shall, if required by the said court, or by or on behalf of his Majesty's advocate, upon oath answer to the truth of his or her claim, and to such proper interrogatories as the court or council for his Majesty shall think fitting for the clearing thereof; and, upon oath, produce before the said court, at their hearing such claim, all such deeds, writings, and evidences, as are in his custody or power, any ways concerning the said claim, or the subject matter thereof.

Court to proceed in a summary way in examination of witnesses, &c.

Claimants to answer upon oath,

and to produce their deeds, &c.

XXV. And be it further enacted by the authority aforesaid, That where the claim, so to be determined as aforesaid to be just and lawful, shall contain a demand of any sum or sums of money, any wife affecting any of the said forfeited estates; then, and in such case the said barons of the exchequer, or any three of them, shall, and are hereby expressly impowered and required to issue out debentures or certificates to claimants, for the respective sum or sums which shall be determined to be due and payable to them severally by the decrees of the said court of session; which debentures or certificates, with legal interest shall be paid in the first place without any deduction, fee, or reward, by the said receiver general, out of such rents and profits as shall be paid

Certificates to be given for sums decreed;

to be paid with interest.

paid into his hands, from the respective estates upon which the said claims are allowed.

No decrees, &c. to be made or any sum on account of penalties for onpayment.

XXVI. Provided always, That no such decree, in favour of any claimant, or debenture or certificate to be issued thereupon, shall be made for any such or sums, on account of penalties for failure of payment at the day it became due, or for any other penalties whatsoever.

On claims affirmed, the claimants to be put into possession.

XXVII. And be it further enacted, That where the said claim shall contain a demand of any honours, castles, manors, lands, tenements, rents, services, rents-charge, hereditaments, or other real estate whatsoever, or an interest therein, and shall be adjudged, determined, or decreed as aforesaid to be just and legal; then, and in that case, the said court of session are hereby authorized to order the sheriff or sheriffs, or the proper officer or officers of and in the respective counties and stewartries where the same shall lie, to cause possession to be delivered to such claimant and claimants, his, her, or their heirs, executors, administrators, or successors, or to whom they or any of them shall appoint; and all and every such claimant or claimants, his, her, or their heirs, executors, administrators, or successors, shall hold and enjoy the same for such estate and interest therein respectively, as shall be adjudged, determined, & decreed as aforesaid.

Court to adjudge the legal preference of claimants, &c.

XXVIII. And, to the end that justice may be rendered to the several claimants, on the said forfeited estates or interests, according to the priority or legal preference of their rights and diligences; be it further enacted, That it shall and may be lawful for the court of session, upon the application of his Majesty's advocate, or of any claimant whose claim shall be affirmed on any of the said forfeited estates and interests, to rank and determine the order of preference of the several creditors and claimants on the respective estates and interests; and the judgement to be given by the court of session, upon such application, shall be of the same force and effect, as if the several creditors or claimants who shall be so ranked, had been summoned for that purpose, in the usual manner, in a process of ranking.

Court to make order for payment of the sums specified in the interloquitors, &c.

XXIX. And whereas during the dependance of such ranking, or before the final decision of all the claims on any of the said forfeited estates, it may be just and reasonable that the growing rents and profits of the said estates, or some part thereof, should be paid over to some or other of the preferable creditors or claimants thereon; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to the said court of session, when they shall see cause, to make interloquitors, finding any creditor and claimant upon such estate, intitled to any sum or sums of money that shall be specified in such interloquitors, and recommending to the barons of the *Exchequer*, to cause the same to be paid; and upon production of such interloquitor, or an extract thereof, by the party obtaining the same, to the said barons of *Exchequer*, or any three of them, they are hereby empowered and required, as soon as conveniently may be, to make an order upon the receiver-

Seiver-general, or upon the bailiff, factor, or Reward of the estate, in such interloquitor mentioned, for payment of the sum of sums therein specified, out of the rents and profits of such estate.

XXX. And it is hereby further enacted and declared, That Conveyances all conveyances and assurances whatsoever, of any castles, honours, manors, lands, tenements, rents, hereditaments, or real estate whatsoever, made at any time after the twenty fourth day of June, one thousand seven hundred and forty two, by any person who has been since attainted, or shall be attainted as aforesaid, unto or for his own use, or unto or for the use of his wife, or any of his children, or in trust for himself, his wife, or any of his children (other than such as were made *bona fide* before, and in consideration of marriage, or in performance of some covenant or agreement made and reduced into writing, before and in consideration of marriage) and also all assurances and conveyances whatsoever, made at any time since the twenty fourth day of June, one thousand seven hundred and forty two, by any such person, are hereby declared to be, and shall for ever hereafter be deemed and taken to be fraudulent; and that no claim shall, at any time hereafter, be allowed for the same, excepting such assurances and conveyances, as have been made since the time aforesaid, or shall be made in time coming, for just and onerous causes, the said onerous causes being always otherwise instructed, than by the writings themselves. made by traitors after 24 June, 1742, except in consideration of marriage, &c. deemed fraudulent. No claim to be allowed, but for onerous causes.

XXXI. And whereas several tenants of the said attainted persons, may have paid their respective rents due to them, after the said twenty fourth day of June, one thousand seven hundred and forty five, and before the times of their respective attainders, without fraud or collusion; be it therefore enacted, That such tenants shall be, and are hereby discharged therefrom, on due proof of such actual payments thereof respectively made. Tenants on proof of payment of their rents to be discharged.

## C A P. XLII.

*An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights.*

WHEREAS through various accidents execution of the powers given by the act of the twentieth year of his present Majesty (intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties) to the commissioners thereby authorized to put the same into execution, within the exact time, and according to the precise method thereby directed, hath been, and may be prevented, and the raising the rates and duties granted thereby obstructed or delayed; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this

Commissioners  
who have omitted, im-  
powered to  
meet and act  
at any other  
time,

Acts of the  
commissioners  
confirmed.

Two com-  
missioners may  
appoint assessor.

Persons neg-  
lecting to ap-  
pear, to take  
the oaths, or  
serve the of-  
fice,

to pay s<sup>l</sup>.

Wales and  
Berwick in-  
cluded, where  
the kingdom  
of England is  
mentioned.

this present parliament assembled, and by the authority of the same, That in all cases where the said commissioners have already omitted, or shall at any time or times hereafter omit to meet or execute the said powers, or any of them, within or at the time or times, or according to the manner directed and prescribed by the said act, it shall and may be lawful for the said commissioners, or any two or more of them, to meet and execute the said powers at any other time or times, and from time to time, as there shall be occasion; and they are hereby authorized and required forthwith, or as soon after the time or times at which such meetings should have been held, according to the said act, as shall be convenient, to meet and execute the same, so as that the said rates and duties may be duly and effectually charged, raised, levied, collected, and paid to his Majesty, his heirs and successors, for the uses in the said act, notwithstanding any such omission or defect; and all meetings and acts of the said commissioners, or any two or more of them, which have been already had or done pursuant (in all other respects) to the directions of the said act, shall be deemed, and are hereby declared to be good and valid to all intents and purposes, notwithstanding such omission or defect.

II. And be it further enacted by the authority aforesaid, That the said commissioners, or any two or more of them, shall have power; and are hereby required to appoint such assessors, and for such districts or divisions, within their respective limits, as they shall judge proper, out of the persons who shall by their precepts, as directed by the said act, be ordered to appear before them for such districts or divisions respectively; and if any of the persons on whom such precepts shall be served, shall neglect to appear, or they or any of the collectors or officers appointed, or to be appointed, under the said act, shall wilfully neglect or refuse to take the oaths appointed by the said act to be taken by them respectively, or to take upon them their respective offices, the said commissioners, or any two or more of them, are hereby authorized and required to impose on every such person so neglecting or refusing, any fine not exceeding the sum of five pounds for any one offence; the same to be levied, certified, and paid, as other fines by the said act are directed to be levied, certified, and paid.

III. And it is hereby further declared and enacted by the authority aforesaid, That in all cases where the kingdom of *England*, or that part of *Great Britain* called *England*, hath been or shall be mentioned in any act of parliament, the same has been and shall from henceforth be deemed and taken to comprehend and include the dominion of *Wales*, and town of *Berwick upon Tweed*.

IV. And whereas certain persons, dissenters from the church of *England*, commonly called Quakers, do scruple the taking of any oaths, and it may happen that several of the said persons may be appointed assessors for raising the said rates and duties upon houses, windows, and lights; be it further enacted by the authority aforesaid, That

in

in every such case it shall be sufficient for such persons appointed, Quakers appointed assessors, to be appointed assessors for the purposes aforesaid, instead of the oaths appointed by the said act to be taken by the said assessors, to make and subscribe the declaration of fidelity prescribed by an act made in the first year of the reign of King William and Queen Mary (intituled) *An act for exempting their Majesties protestant subjects, dissenting from the church of England, from the penalties of certain laws*) and that all certificates in writing, returned to the commissioners for the said duties, verified by any such persons upon their affirmation, shall be as valid and effectual, as if the same were verified upon their oath, in the manner directed by the said act; any thing therein contained to the contrary thereof in any wise notwithstanding.

to make and subscribe the declaration of fidelity.  
1 W. & M. 1. c. 18.

Certificates verified upon affirmation to be valid.

### C A P. XLII.

*An act for taking away and abolishing the heretable jurisdictions in that part of Great Britain called Scotland; and for making satisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers, or agents in the law in Scotland to take the oaths; and for rendering the union of the two kingdoms more complete.*

FOR remedying the inconveniencies that have arisen, and may arise from the multiplicity and extent of heretable jurisdictions in that part of Great Britain called Scotland, for making satisfaction to the proprietors thereof, for restoring to the crown the powers of jurisdiction originally and properly belonging thereto, according to the constitution, and for extending the influence, benefit, and protection of the King's laws and courts of justice to all his Majesty's subjects in Scotland, and for rendering the union more complete; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all heretable jurisdictions of justiciary, and all regalities and heretable bailleries, and all heretable constabularies, other than the office of high constable of Scotland, and all stewardries, being parts only of shires or counties, and all sheriffships and deputy sheriffships of districts, being parts only of shires or counties within that part of Great Britain called Scotland, belonging unto, or possessed or claimed by any subject or subjects, and all jurisdictions, powers, authorities, and privileges thereunto appurtenant or annexed, or dependant thereupon, shall be, and they are hereby, from and after the twenty fifth day of March, in the year of our Lord one thousand seven hundred and forty eight, abrogated, taken away, and totally dissolved and extinguished.

All heretable jurisdictions, &c. in Scotland, the office of high constable excepted,

to cease from 25 March, 1748.

II. Pro-



The lands, rents, and certain duties annexed to the heretable bailleries, &c. to remain.

II. Provided always, That all lands annexed or belonging to the said heretable bailleries, stewartries, and constabularies, hereby intended to be dissolved and extinguished, and the rents and duties, consisting of money, victual, cattle, or other goods, payable to the possessors of the said heretable bailleries, stewartries, or constabularies, shall remain with and belong to them, their heirs, and successors, and continue to be enjoyed by and paid to them, their heirs, and successors, notwithstanding the extinction of the said offices.

All heretable jurisdictions to be vested in the King's courts and judges.

III. And be it further enacted by the authority aforesaid, That all jurisdictions, powers, and authorities legally vested in, or belonging to any such justiciary, regalities, bailleries, constabularies, stewartries, sheriffships, and deputy sheriffships, or any of them, shall, from and after the said twenty fifth day of *March*, be vested in and exercised by the court of session, court of justiciary at *Edinburgh*, the judges in the several circuits, and the courts of the sheriffs and stewarts of shires or counties, and other of the King's courts in *Scotland* respectively, to which such jurisdictions, powers, and authorities would now by law have belonged, in case such justiciary, regality, baillerie, constabulary, stewartry, sheriffship, or deputy sheriffship, had never been granted or erected; and that the several towns, villages, places, districts, and bounds which lie within, as were subject to such justiciary, regalities, bailleries, constabularies, stewartries, sheriffships, or deputy sheriffships, hereby taken away and dissolved respectively, and the inhabitants and residents within the same, from and after the said twenty fifth day of *March*, shall be subject to the jurisdiction and authority of the said court of justiciary at *Edinburgh*, the judges in their circuits, the sheriffs, and the courts of the sheriffs or stewarts of counties or shires, and such other of the King's courts as aforesaid respectively, in the same manner as such towns, villages, places, districts, and bounds, and the inhabitants and residents within the same, would have been, in case such justiciary, regalities, bailleries, constabularies, stewartries, sheriffships, or deputy sheriffships had never existed.

All heretable sheriffships, &c. to be resumed and annexed to the crown.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, all sheriffships of any county or shire, and all stewartries, not hereby before taken away and extinguished, within that part of *Great Britain* called *Scotland*, granted unto, or possessed by, any subject or subjects, either heretably, or for life, and all jurisdictions, authorities, or privileges thereunto belonging or annexed, or dependant thereupon, shall be, and they are hereby resumed and annexed to the crown; and that the sheriffs and stewarts of such counties, shires, and stewartries respectively, shall, from thenceforth, be nominated and appointed by his Majesty, his heirs and successors.

Sheriffships, &c. not to be granted for a

V. Provided always, and it is hereby enacted by the authority aforesaid, That no sheriffship or stewartry of any county, shire, or district, within that part of *Great Britain* called *Scotland*,

land, shall, at any time hereafter, be granted to any person or persons whatsoever, either heretably, or for life, or for any certain term exceeding one year; and that no justiciary, regality, constabulary, or baillierie, nor any judicature, jurisdiction, authority, or immunity of the like nature or kind, within that part of *Great Britain* called *Scotland*, shall, at any time hereafter, be erected, created, or granted, but that all letters patent, gifts, and grants of any of the premises, made contrary to the true intent and meaning of this act, shall be, and they are hereby enacted and declared to be null and void, to all intents and purposes whatsoever.

longer term than 1 year.

Grants of justiciary, &c. contrary to this act, null.

VI. And be it further enacted by the authority aforesaid, That reasonable and just compensation and satisfaction shall be made out of the next aids to be granted in parliament, for and in respect of every such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, and baillierie hereby taken away and dissolved, or resumed and annexed to the crown, to all and every person and persons respectively, who shall appear to be lawfully possessed of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, and to every clerk thereof, who was on the eleventh day of *November*, one thousand seven hundred and forty six, lawfully possessed for life of his clerkship, in case such office shall be necessarily extinguished in consequence of this act.

Compensation to be made for justiciaries, &c. taken away.

VII. And be it further enacted by the authority aforesaid, That all and every person and persons lawfully possessed of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, baillierie, or clerkship, shall; on or before the eleventh day of *November*, in the year of our Lord one thousand seven hundred and forty seven, make and enter his, her, and their claim or claims thereto respectively in the court of session in *Scotland*; and all such claims, with the titles or vouchers produced in support thereof, shall be given out in the usual manner to his Majesty's advocate for *Scotland* or his deputy, or to his Majesty's solicitor general there, who are hereby authorized and required to appear on behalf of his Majesty, to defend or object against all or any such claim or claims, as they shall find cause to oppose, either in respect of the validity of the claimant's title to the jurisdiction therein set forth, or of the value or price thereof; and the said court of session shall, in a summary way, examine the several and respective titles to the same; and in case they shall find any such person or persons to have been so lawfully possessed as aforesaid of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, baillierie, or clerkship, then the said court shall, with all possible dispatch, consider and declare their opinion, touching the value or price thereof, and shall cause all such opinions to be entered in a roll or book to be kept for that purpose, and make certificate or certificates thereof to his Majesty, his heirs or successors, in his or their privy council; copies of which shall be laid forthwith before both houses of parliament.

Claims, &c. to be entered before 11 Nov. 1747;

and to be given with the vouchers to the King's advocate, &c.

Court to examine the titles in a summary way, and adjudge the value; and make certificates to his Majesty in council; Copies to be laid before parliament.

Court to sit in  
the vacation,  
&c.

VIII. And be it further enacted by the authority aforesaid, That the court of session shall be, and is hereby authorized and empowered to meet and proceed on all such claims as shall be exhibited pursuant to this act, in the times of vacation, and upon *Monday*, as well as upon other days, during the time of session; and the said court of session is hereby required to sit for the purposes aforesaid, during the whole month of *March* next after the said eleventh day of *November*, in the same manner as during the session time, unless they shall sooner have discussed the matters and things, and made the certificates hereby directed.

Court to order  
the production  
of papers.

IX. And it is hereby further enacted, That the said court of session, for the better discovery of the truth in the enquiries and determinations hereby directed to be made, shall and may, and they are hereby authorized and empowered to order and compel the production of all books, papers, and writings, in any wise relating to any of the matters or things, which they are hereby empowered to examine into, determine, or declare their opinions upon, and to examine any person or persons, either parties or witnesses, upon oath, concerning the same, and also concerning any books, papers, and writings, relating to any such matters or things, either in general, or by particular description.

Where here-  
table jurisdic-  
tions are so  
circumstanced  
that they can-  
not be aliened,  
the court to  
order the sum  
decreed to be  
laid out in  
purchase of  
lands, &c.

X. Provided always, That in all cases where any such heretable justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, shall be subject to any strict tailzie, affected with irritant and resolute or prohibitive clauses, or so settled, limited, mortgaged, or incumbered, that the possessor thereof cannot dispoise or alien the same, either gratuitously, or for an onerous cause, the sum or sums of money to be allowed for or in respect of the value or price thereof, shall, by the order and direction of the said court of session, be laid out and invested in the purchase of lands, tenements, or heretages, within that part of *Great Britain* called *Scotland*; which said lands, tenements, or heretages, shall be disposed and settled to the same uses, and under the same limitations and restrictions, for the benefit of such person and persons, and in the same course of succession, and subject to the same mortgages and incumbrances to or upon which such heretable justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, was settled, or ought to have gone or stood subject unto.

Where estates  
are subject to  
the debts of  
the maker of  
the entail,  
the money to  
be applied in  
paying off the  
same,

XI. Provided also, That in such cases as aforesaid, and where the entailed estate is subject to, or affected with, any debts of the maker of the entail, or other debts that are effectual to charge the estate, not being contracted by the present fiar or proprietor thereof, it shall and may be lawful to apply the money to be allowed for or in respect of the jurisdictions hereby abrogated, that were attendant on such tailzied estate, for paying off or clearing such estate of the debts of the maker of the entail, or other debts affecting the same, as aforesaid, and that the residue only (if any such shall be, after the payment of those debts)

be

be laid out in the purchase of other lands or heretages in manner above mentioned.

XII. And it is hereby further enacted, by the authority aforesaid, That it shall and may be lawful to and for any person or persons having any estate, right, title, or interest in or unto any such judiciary, regality, sheriffship, deputy sheriffship, stewardry, constabulary, or baillierie, either in possession or expectancy, and to and for any heir of tailzie, or any substitute in any such tailzie, where the same, or any of them, shall be strictly entailed as aforesaid, or to or for any guardian, tutor, curator, or trustee, on behalf of any infant or minor, ideot, lunatick, or fatuous or furious person, having any such estate, right, title, or interest, or being such heir of tailzie, or substitute, as aforesaid, or for any mortgagee or incumbrancer, to make and enter his or her claim thereto in manner before directed, and also to exhibit or present a petition to the said court of session, praying the directions of that court for laying out or investing any such sum or sums of money in the purchase of lands, tenements, or heretages as aforesaid, or for placing out the same upon any good security, until such purchase shall be found; and the said court of session are hereby authorized and required to proceed upon every such petition in a summary way, and to make such order, and give such directions thereupon, as shall be agreeable to justice, and the nature of the case; and in the mean time, until such order and directions shall be made and given as aforesaid, all and every sum and sums of money, which shall be assessed or allowed for the value of any such judiciary, regality, sheriffship, deputy sheriffship, stewardry, constabulary, or baillierie, belonging to any such infant, minor, ideot, lunatick, fatuous or furious person, or subject to such strict tailzie, or so settled, limited, mortgaged, or incumbered, shall be paid unto, and remain in either of the banks of *Scotland*; and from and after such order made, or directions given by the said court of session, such sum or sums of money shall be paid out to such person or persons, as by the order or interloquitor of the said court shall be authorized and appointed to receive the same.

Court to be petitioned for laying out the money;

which is to be lodged in bank till the court shall make order.

XIII. Provided always, That all and every person and persons, who shall neglect or omit to make and enter his, her, or their claim or claims, in respect of any of the jurisdictions hereby abrogated, and of such clerkships as aforesaid, within the time, and in the manner herein before directed, shall be for ever excluded from the benefit of compensation and satisfaction hereby provided.

Persons not entering their claims excluded.

XIV. And be it further enacted by the authority aforesaid, That all suits, decrees, sentences, interloquitors, judgments, executions, and proceedings, of or in any court hereby abrogated, taken away, and dissolved, which were depending, pronounced, awarded, or had, before the said twenty fifth day of *March*, shall be and remain of the same force, effect, and validity, and in the same state and condition, as the same would respectively have been in case this act had not been made; and

Proceedings of the courts, had before 25 March, confirmed.

Proceedings, &c. after 24 June, 1748, to be transmitted to the sheriff's courts.

Registers of hornings, &c. to be transmitted to the register house at Edinburgh.

that all records, rolls, books, and entries of any such suits, decrees, sentences, interlocutors, judgments, executions, or proceedings, relating to any civil or criminal cause in any such court, shall on or before the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty eight, be transmitted by the possessor of any such justiciary, stewartry, sheriffship, deputy sheriffship, regality, constabulary, or baillierie, to the courts of the respective sheriffs or stewards of counties, and there lodged and kept amongst the records of such courts; which shall proceed thereupon as if the said civil or criminal causes had been commenced originally in such courts; and that the register books of hornings, inhibitions, and interdictions heretofore kept in any bailleries of royalty or regality, or stewartries hereby abrogated, shall, on or before the said twenty fourth day of June, be transmitted to his Majesty's general register house at Edinburgh.

Jurisdictions of lands, disunited from their proper shires, annexed to the shires they lie contiguous to.

XV. *And whereas by several grants of heretable jurisdictions, lands lying within, and making part of one shire, have been disunited from the same, and annexed to, and made part of, either distant shire, to the great interruption of justice, and inconvenience of the subjects;* be it enacted by the authority aforesaid That from and after the twenty fifth day of March, one thousand seven hundred and forty eight, all and every act, statute, charter or grant whatsoever, whereby any lands lying anciently within one shire in Scotland were disunited from the same, and annexed to another shire to which such lands were not adjacent or contiguous, shall be repealed and made void, with respect only to the jurisdiction of the sheriffs or stewards courts; and the lands so disunited and annexed, shall, with respect to such jurisdiction only, be, and they are hereby restored or annexed to the shire or shires respectively within which such lands do locally lie; and in case such lands are interjected between two shires, they shall be, and are hereby annexed to the shire, to the head borough of which they are nearest adjacent.

Right of voting, and payment of land tax, not to be altered.

XVI. Provided always, That this restitution shall not extend to vary or alter the right of voting for members to serve in parliament, in respect of such lands, or to vary or alter the payment of the tax commonly called the *cess* or *land tax*.

XVII. *And whereas the jurisdiction in capital cases, that was heretofore granted to many heritors or proprietors of lands within that part of Great Britain called Scotland, whose lands were erected by the crown into baronies, or granted cum fossa et furca, or with power of pit and gallows, or with the like words, importing such capital jurisdiction, hath been long discontinued or fallen into disuse, as to the exercise thereof, and it is now unnecessary and improper that the right or title of such jurisdiction in barons should be any longer retained: and whereas it is also reasonable that some further regulation should be made relating to the jurisdiction of such barons, or of other heritors of lands, who are intitled cum curiis, or intitled to the jurisdictions of barons, or other lower jurisdiction;* be it enacted by the authority aforesaid, That from and after the said twenty fifth day

day of *March*, in the year of our Lord one thousand seven hundred and forty eight, no heretor or proprietor of lands within *Scotland*, which had been erected into a barony, or granted with other lower jurisdiction, or their baillies; shall, by virtue thereof, have, exercise, or enjoy any jurisdiction whatsoever in capital cases; and that no such baron, or other heretor of lands, insoff *cum curiis*, or their baillies, shall, by virtue thereof, have exercise, or enjoy any jurisdiction in any criminal cause whatsoever, other than assaults, batteries, and smaller crimes, for which the punishment to be inflicted shall only be by a fine not exceeding twenty shillings sterling, or by setting the delinquent in the stocks, for any time not exceeding three hours, in the day-time; which fine shall be levied by distress or poynding of the goods of the delinquent; and in default of such distress, by imprisonment of his or her person, for any time not exceeding the space of one month; and that as to civil causes, it shall not be lawful or competent, from and after the said twenty fifth day of *March*, for any such baron or heretor, or their baillies, to hold plea, or judge in any cause where the debt or damages shall exceed the sum of forty shillings sterling, other than for recovering and uplifting from the vassals, tenants, or possessors of the lands and heretages of such baron or heretor, the mails and duties, or rents and profits thereof, or for recovery of multures or services payable or prestable to their mills; and in all other civil causes it shall not be lawful for such court to judge in cases of higher value than the sum aforesaid, by virtue of any prorogation of the jurisdiction, or consent of the parties litigant for that purpose; any law, custom, or usage to the contrary notwithstanding; and that every decree, sentence, judgement, and proceeding by or before any such baron, heretor, or their baillies, contrary to this act, shall be absolutely void and null to all intents and purposes whatsoever.

Barons, &c. to have no jurisdiction in capital cases;

nor in criminal causes, except assaults, &c.

nor in civil causes,

where the sum shall exceed 40 s.

except in recovering rents and duties.

XVIII. And it is hereby further enacted by the authority aforesaid, That every baron, or other heretor of lands in *Scotland*, who shall be intitled to, or possessed of any criminal jurisdiction, not hereby abrogated or taken away, shall and is hereby required to enter in a book, to be kept by the sheriff clerk of the county within which his lands lie (which books the said sheriff clerks are hereby authorized and required to keep for that purpose) the house, room or place which such baron or heretor hath provided or appropriated, or shall provide or appropriate, for being used as a prison, for rendering effectual the jurisdiction competent to him by law; and it shall not be lawful to such baron or heretor, or his baillie, to cause any person to be imprisoned in any other room or place than what shall be so entered; and every such house, room, or place shall be so situated, and have such windows or grates open to inspection from without, as that it may be practicable for any friend of the party imprisoned, to visit, see, and converse with the prisoner, when he shall be so minded; and that every such baron or heretor shall, for every offence against this act, forfeit the penalty of twenty

Heretors possessed of criminal jurisdiction, not hereby taken away, to enter with the sheriff clerks, the place appropriated for a prison.

None to be imprisoned in unentered places.

Prison to have windows open to inspection, &c.

Penalty 20 l. pounds

Sheriffs to inspect the prisons, and disallow such as are grievous, &c.

pounds sterling, with costs, to the party injured; and that all and every the sheriffs of shires, and stewarts of stewartries, not hereby abrogated or taken away, or their deputies within *Scotland*, shall, and they are hereby required to visit and inspect all such houses, places, or rooms, as shall be so entered as prisons, and to disallow and prohibit the use of the same, in case they shall appear to the said sheriffs or stewarts, or their deputies respectively, to be places grievous, or unhealthy, or not agreeable to the regulations herein before enacted.

None to be committed for smaller crimes but by warrant, expressing the cause, &c.

Extracts to be transmitted to the sheriff.

XIX. Provided always, That from and after the said twenty fifth day of *March*, no person shall be committed to prison for custody, in order to trial, for any assaults, batteries, and smaller crimes, without a warrant or order in writing, expressing the particular cause for which such person is imprisoned; which warrant or order shall be entered at large in a book to be kept for that purpose; and extracts thereof shall be transmitted every six months to the sheriff or stewart court of the county or stewartry, in which such warrant or order shall issue or be executed, there to remain on record.

Jurisdictions of fairs and markets reserved.

XX. Provided also, That it shall and may be lawful to and for every heretor and proprietor of lands in *Scotland*, intituled by his infeftments, or any of them, to any fair or market, to have and exercise such jurisdiction, as is competent to him by law, for preserving the peace, determining controversies, and restraining or correcting riots, trespasses or disorders which may arise, or be committed within any such fair or market during the continuance thereof; any thing herein contained to the contrary notwithstanding.

Jurisdictions of coal-works, salt-works, or mines, reserved.

XXI. Provided also, That every heretor, or proprietor of lands in *Scotland*, within which any coal-works or salt works, or mines of any kind, are or shall be carried on, shall and may be at liberty to exercise such power and jurisdiction, as is competent to him by law, over the colliers or salters, or other workmen employed in carrying on such coal-works, salt-works, or mines; any thing herein contained to the contrary notwithstanding.

Jurisdictions of fairs, coal-works, &c. reserved, not to extend to life, or demembration.

XXII. Provided always, That the power and jurisdiction hereby reserved to the proprietors of fairs or markets, and of coal-works, salt-works, and mines, or any of them, shall not extend, or be construed to extend, to continue or reserve to them, or any of them, any power or jurisdiction of trying, judging or determining, in any case whatsoever, inferring the loss of life, or demembration; but that all such jurisdiction and power of trying, judging, and determining, in any case inferring the loss of life, or demembration, shall be, and is hereby, from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, wholly taken away and abrogated.

Judges in barons or other courts to take the oaths, and register a certificate.

XXIII. Provided always, and be it enacted by the authority aforesaid, That no bailie or other person shall, after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, officiate as judge in any baron's or other court, for executing

cuting such jurisdiction as aforesaid, without first qualifying himself, by taking the oaths appointed by law to be taken by persons in offices of publick trust, and causing a certificate of his having done so to be entered or registered in a book to be kept for that purpose, by the clerks of the shires, stewartries, or burghs, where such person shall reside; and if any person, from and after the said twenty fifth day of *March*, shall presume to act or officiate as judge in any such court of barony, or such other courts as aforesaid, without having taken the said oaths, and causing the certificate of his having duly taken the same, to be registered as is above directed, every person so offending, being thereof lawfully convicted before any two or more justices of the peace, or before any other judge competent of the place, summarily, shall, for such offence, forfeit the sum of ten pounds sterling; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the use of such person who shall give information of the said offence; and shall suffer imprisonment for the space of six months, unless or until the same be paid.

Penalty 10l.  
or 6 months  
imprisonment.

XXIV Provided always, and it is hereby further enacted, That all and every person and persons who shall appear to have been lawfully possessed, on the said twenty fifth day of *March*, one thousand seven hundred and forty eight, of any such justiciary, regality, or other jurisdiction hereby abrogated, shall, from and after the said twenty fifth day of *March*, retain such jurisdiction of barony, or such lower jurisdiction, as such person or persons would have been intitled to, in case such justiciary, regality, or other jurisdiction hereby abrogated, had never been erected, granted, or existed; such lower jurisdiction nevertheless being always subject to the regulations hereby enacted concerning the like lower jurisdictions, throughout that part of the kingdom.

Jurisdictions  
of baronies,  
&c. reserved.

XXV. And be it further enacted by the authority aforesaid, That no letters patent, charter, or grant, to be made or granted by his Majesty, his heirs or successors, or by the barons of the court of exchequer in *Scotland*, at any time after the sixth day of *June*, in the year of our Lord one thousand seven hundred and forty seven, for the uniting or erecting any lands or tenements within that part of *Great Britain* called *Scotland*, into a barony, lordship, or earldom, or under any other denomination whatsoever, or for annexing any lands or tenements in *Scotland* to any barony, lordship, or earldom, or other district of the like nature, under any denomination whatsoever heretofore granted or erected, shall be sufficient or available in law to pass, grant, or convey to the grantee or grantees therein named, or any other person or persons whatsoever, any greater or other jurisdiction, than for recovering and uplifting from the vassals, tenant, or possessor of the lands and heretages of the proprietor of such barony, lordship, or earldom, the mails and duties, or rents and profits thereof, or for recovery of the multures or services payable or prestable to their mills; and that all letters pa-

Letters patent, &c. for uniting or erecting lands into baronies to grant jurisdictions only for the recovery of rents and duties, &c.



Grants contrary to this act null.

tent, charters, gifts, and grants of any of the premises, to be made contrary to the true intent and meaning of this act, shall be, and they are hereby enacted and declared to be null and void.

Jurisdiccions vested in royal boroughs reserved.

XXVI. Provided always, and it is hereby further enacted, That nothing in this act shall extend, or be construed to extend to take away, extinguish, or prejudice any jurisdiction or privilege, by law vested in or competent to the corporation or community of any royal borough in *Scotland*; and that all such jurisdictions, privileges and immunities, as are by law vested in or competent to such royal boroughs, or any of them, whether within or without the royalty of such boroughs respectively, are and shall be saved and reserved entire to them, or any of them, in such and the same manner, to all intents and purposes, as if this act had not been made.

Cumulative jurisdictions vested in burghs of regality, &c. reserved.

XXVII. Provided always, and it is hereby further enacted, That nothing in this act contained shall extend, or be construed to extend to take away, extinguish, or prejudice any jurisdiction, authority, or privilege, by law vested in, or competent to the corporation or community of any burgh of regality, or of barony in *Scotland*, or to the magistrates of any such burgh respectively, which are independent of the lord of regality, or baron respectively, except any power or privilege of pledging from the sheriff's or steward's court, or any other of the King's courts; and from and after the said twenty fifth day of *March*, the jurisdiction hereby reserved to such corporation or community, or the magistrates thereof, shall be, and be deemed and taken to be cumulative only.

Exception.

Officers executing poyndings, to carry the goods or samples to the market cros of the next royal burgh, &c.

XXVIII. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty eight, in the execution of poyndings, within that part of *Great Britain* called *Scotland*, it shall and may be lawful for the officer executing such poyndings, to carry the goods poynded, or samples thereof, in such cases where the carrying of samples is practised, to the market cros of that royal burgh, or burgh of regality, or barony (as well such whereof the jurisdiction is hereby abrogated or regulated, as those whereof the jurisdiction is saved entire) which shall lie nearest to the place where such poynding was inchoated, which shall be as sufficient to all intents and purposes, as if such goods or samples as aforesaid had been carried to the market cros of the head burgh of the shire; any law, custom, or usage to the contrary notwithstanding.

Regulations relating to sheriffs courts, and the qualifications of officers.

XXIX. And whereas it is reasonable, That some further regulation should be made relating to the sheriffs courts in that part of *Great Britain* called *Scotland*; be it further enacted by the authority aforesaid, That there shall be but one sheriff depute, or steward depute, in every county, shire, or stewartry in *Scotland*, not hereby taken away or abrogated, and that he shall be an advocate of three years standing at the least, and shall, during the space of seven years from the said twenty fifth day of *March*,  
be

be nominated and appointed by his Majesty, his heirs or successors, by warrant under his or their sign manual, with such continuance as his Majesty, his heirs or successors shall think fit; and that after the end of the said seven years, the offices of sheriff depute, and steward depute, shall be granted and held *ad vitam aut culpam* only, with competent salaries, to be ascertained and established for the time of their continuance; and that every such sheriff depute, or steward depute, shall have power to nominate and appoint one or more person or persons to act as substitute or substitutes under him throughout the whole county, shire, or stewartry, or within such parishes or districts thereof, as shall be expressed in the commission of such substitute or substitutes during his pleasure, for whom he shall be answerable; and such substitute and substitutes are hereby required to take and subscribe openly, in such sheriffs or stewards courts respectively, the oaths appointed by law to be taken by persons in offices of publick trust, to be there recorded, before he or they ~~enter~~ upon his or their office or offices; and that it shall and may be lawful for all sheriffs depute and stewards depute, and their substitutes, to hold their courts at any time in the year, as well during the vacation of the court of session, as during the sitting thereof, without any dispensation from the said court; any law, custom, or usage to the contrary in any wise notwithstanding; and that it shall and may be lawful for the said sheriffs depute or stewards depute, not only to hold the stated courts at their head boroughs, but also to hold itinerant courts, at such times and places, within their respective jurisdictions, as they shall judge to be expedient, or at such times and places as they shall be directed or ordered by his Majesty, his heirs or successors, by warrant under his or their sign manual; which sheriffs depute, or stewards depute, are hereby required to cause notice to be given, within a reasonable time before such itinerant courts shall be held; which notice they shall cause to be published at the several parish churches within the district for which the same are to be so held; and that every such sheriff depute, and steward depute, shall be and reside personally within his county, shire, or stewartry, during the space of four months at least in the year; and that it shall not be lawful for any sheriff depute or steward depute to advise, plead, or otherwise act as an advocate before any of the King's courts at *Edinburgh*, or at the circuit courts, in any cause, civil or criminal, arising within, or coming from his county, shire, or stewartry; and that in case any such sheriff depute or steward depute shall not so reside, or shall so advise, plead, or otherwise act as an advocate, or shall be guilty of any gross misbehaviour, or neglect of duty, every such sheriff depute or steward depute, being convicted of any such offence, upon a summary trial before the court of session, at the suit of his Majesty's advocate for the time being, or at the suit of any four or more of the freeholders intitled to vote in elections of members to serve in parliament for such county, shire, or stewartry, shall be deprived of his office.

XXX. And

High Sheriffs,  
&c. not to sit  
as judges.

XXX. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, which shall be in the year of our lord one thousand seven hundred and forty eight, it shall not be lawful for any principal, or high sheriff, or steward in *Scotland*, personally to judge in any cause, civil or criminal, within his shire or stewartry, in virtue of such his office; any law or usage in any ways to the contrary notwithstanding.

Circuit courts  
to be held  
twice a year.

XXXI. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March* the circuit courts shall be regularly held twice in every year, within that part of *Great Britain* called *Scotland*, and the judges thereof shall continue by the space of six days at the least, at each town or place where the circuit courts shall be held, for the dispatch of business.

Judges to sit  
6 days at each  
place.

XXXII. And whereas a doubt hath been entertained, whether it be lawful or competent for one judge to proceed to do business in the circuit courts, when his colleague happens to be necessarily absent, and the justice general not to be present at such circuit court; it is hereby further enacted, That it shall and may be lawful for any one of the judges in such circuit courts to dispatch business whenever it shall happen that his colleague shall, through indisposition, or other necessary avocation, be absent, and the justice general not be present at such circuit court; any law, custom, or usage, to the contrary in any wise notwithstanding.

One judge  
may act in the  
absence of his  
colleague.

The western  
circuit to take  
in the shire of  
*Argyll*.

XXXIII. And it is hereby further enacted, That the county or shire of *Argyll*, and all the islands, places, districts, and bounds lying within, or subject to the jurisdiction of the judiciary now vested in, or belonging to the most noble *Archibald* duke of *Argyll*, shall be, and be deemed and taken to be within the limits of the circuit called the western circuit, or of such other circuit or circuits in *Scotland*, as shall be appointed by his Majesty, his heirs or successors, pursuant to the power herein after mentioned; and that the judges of the said circuit or circuits shall have and exercise the same jurisdiction, powers, and authorities within the said county or shire of *Argyll*, and the islands, places, districts, and bounds before-mentioned respectively, as in any other county or shire within the said circuit or circuits; and that the burgh of *Inverary*, being the head burgh of the shire of *Argyll*, shall be the place where the circuit court shall be held twice in the year, for the counties or shires of *Argyll* and *Bute*.

The circuit  
court to be  
held at *Inverary* for *Argyll* and *Bute*.

Persons ag-  
grieved by  
sentence, &c.  
of the sheriffs  
court,

XXXIV. And to the end that the jurisdiction of the circuit courts, in that part of *Great Britain* called *Scotland*, may be rendered more useful and beneficial to his Majesty's subjects in that part of the united kingdom, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any party or parties conceiving himself or themselves aggrieved by any interlocutor, decree, sentence, or judgment of the sheriff's or steward's court of any county, shire, or stewartry, or of the courts of any royal borough, or burgh of regality or barony, or

of any court of any baron, or other heretor having such jurisdiction, as is not hereby abrogated or taken away, where such interlocutor, decree, sentence, or judgment shall be concerning matters criminal, of whatever nature or extent the same may be, except all cases which infer the loss of life or demembration, or in matters civil, where the subject matter of the suit did not exceed in value the sum of twelve pounds sterling, to complain and seek relief against the same, by appeal to the next circuit court of the circuit wherein such county, shire or stewardry, royal borough, or burgh of regality or barony, or such barony or estate shall lie, so as no such appeal be competent before a final decree, sentence, or judgment pronounced; and such appeal, it shall be lawful for the party conceiving himself aggrieved, to take and enter in open court, at the time of pronouncing such decree, judgment, or sentence, or at any time thereafter, within ten days, by lodging the same in the hands of the clerk of court, and serving the adverse party with a duplicate ~~thereof~~ personally, or at his dwelling-house, or his procurator or agent in the cause, and serving in like manner the inferior judge himself, in case the appeal shall contain any conclusion against him by way of censure or reparation of damages, for alleged wilful injustice, oppression, or other malversation; and such service shall be sufficient summons to oblige the respondents to attend and answer, at the next circuit court, which shall happen to be held fifteen days at least after such service; and thereupon the judge or judges, at such circuit court, shall and may proceed to cognosce, hear, and determine any such appeal or complaint, by the like rules of law and justice as the court of session, or court of justiciary respectively, may now cognosce and determine in suspensions of the interlocutors, decrees, sentences, or judgments of such inferior courts; but the said circuit court shall proceed therein in a summary way; and in case they shall find the reasons of any such appeal not to be relevant, or not instructed, or shall determine against the party so complaining or appealing, the said judge or judges shall condemn the appellant or complainer in such costs as the court shall think proper to be paid to the other party, not exceeding the real costs *bona fide* expended by such party; and the decree, sentence, or judgment of such circuit court, in any of the cases aforesaid, shall be final.

in criminal cases, not inferring loss of life or demembration,

or in civil where the sum did not exceed 12l.

may appeal to the next circuit court.

Copy to be delivered to the respondents.

Circuit court to proceed in a summary way in hearing appeals;

and award costs on affirmation.

XXXV. Provided, That so much of this act as relates to appeals in civil causes to the circuit courts as aforesaid, shall be in force for the space of ten years, to be computed from the said twenty fifth day of *March*, and to the end of the then next session of parliament, and no longer.

Clause relating to appeals in civil causes in force for 10 years.

XXXVI. Provided always, That wherever such appeal shall be brought, such complainer at the same time he enters his appeal as aforesaid, shall lodge in the hands of the clerk of court, from which the appeal is taken, a bond, with a sufficient cautioner for answering and abiding by the judgment of the circuit court, and for paying the costs, if any shall be by that court awarded;

Appellant to give security.

Clerk of the court answerable for the security.

awarded; and the clerk of court shall be answerable for the sufficiency of such cautioner.

Circuit courts not able to determine appeal, to certify the same to the session.

XXXVII. Provided always, and it is hereby enacted by the authority aforesaid, That in case such circuit court shall, in cognoscing or proceeding upon such appeal, find any such difficulty to arise, that by means thereof such circuit court cannot proceed to the determination of the same, consistently with justice and the nature of the case; in any such case, and not otherwise, it shall and may be lawful to and for such circuit court to certify such appeal, together with the reasons of such difficulty, and the proceedings thereupon had before such circuit court, to the court of session, or court of justiciary respectively; which courts are hereby respectively authorized and required to proceed in, and determine the same.

Act of 1663, extended to all advocations in causes not exceeding 12l.

XXXVIII. And be it further enacted by the authority aforesaid, That the act of parliament made in Scotland, in the year one thousand six hundred and sixty three, intituled, *Act anent the discharging of advocations for sums within two hundred merks*, shall from and after the said twenty fifth day of March, be, and the same is hereby extended to the case of all advocations, in causes not exceeding the value of twelve pounds sterling.

His Majesty to make order for a new division and distribution of the circuit courts, &c.

XXXIX. And whereas it will be for the evidentiary utility of the subjects within Scotland, and for the more effectual administration of justice there, that the circuit courts should be held in some parts and places in Scotland, to which the judges have not hitherto used to go; be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by an order to be made in his or their privy council, to make a new division and distribution of the circuits in Scotland, or any of them, and to appoint and allot what counties, shires, stewartries, places, districts, and bounds, shall be comprehended within any such circuit, and at what times and places the circuit courts shall be held respectively for ever after; and such order so to be made as aforesaid, shall be duly performed, observed, and obeyed; and the judges, in such new circuits so to be appointed, shall have, exercise, and enjoy the same jurisdiction, powers, authorities, and privileges, as by virtue of any law now in force, or by this act, are or would be competent to the judges in the circuits already established in Scotland, or any of them.

Circuit courts to be held in the towns appointed by act of 1672, &c.

XL. Provided always, That circuit courts shall continue to be held at such towns, as are appointed for keeping and holding of circuit courts, by an act of parliament made in the year one thousand six hundred and seventy two, intituled, *Act concerning the regulation of the judicatories*, or by this act, but without prejudice to the power hereby vested in his Majesty, his heirs or successors, to diminish, augment, or alter the districts, for which such circuit court shall be held, pursuant to the provision herein before made; and the court of session in Scotland is hereby directed and required to take into their consideration what fees they shall judge reasonable, to be paid to the clerks or other officers officiating in the circuit courts, or in the courts

of sheriffs or stewarts in civil causes, and regulate the same by one or more act or acts of *Sederant*, on or before the said twenty fifth day of *March*, one thousand seven hundred and forty eight; which shall be binding upon all parties concerned, unless or until the same shall be altered by act of parliament; and the court of justiciary shall in like manner take into their consideration what fees they shall judge reasonable to be paid to the clerks, or other officers officiating in the circuit courts, or in the sheriffs or stewarts courts, in criminal causes, and shall regulate the same by one or more act or acts of adjournal, on or before the said twenty fifth day of *March*, which shall in like manner be binding on all parties concerned, unless or until the same be altered by act of parliament.

Officers fees to be regulated by the session and justiciary.

**XLI.** *And whereas it hath been found by experience, that the regulation concerning trials in the court of justiciary in Scotland, introduced by the fourth act of the parliament of Scotland, held in the year one thousand six hundred and ninety five, intituled, Act anent the justice court, is unnecessary and inconvenient, be it therefore enacted by the authority aforesaid, That so much of the said act as directs, that after the debate of the relevancy is ended, the King's advocate or advocates, or procurators for the pursuer, and for the pannel respectively, shall give into the clerk informations in writing, to be recorded in the books of adjournal, to be read in open court at advising, be and is hereby repealed; and that in place thereof, of the ancient use and custom observed in that court, of advocates or procurators dictating, and the clerks writing of the debate on the relevancy, which use and custom is by the said act discharged and laid aside, the pannel shall give into the clerk of the court the day before the trial, in writing, subscribed by the pannel, or one of his procurators, such account of the facts, relating to the matters charged upon him in the libel or indictment, and thereto briefly subjoin the heads of such objections or defences, as he shall think fit or be advised to make at his trial, and that after the debate on the relevancy, *viva voce*, the minutes whereof shall be taken down, or made up in the same manner in the justiciary court at *Edinburgh*, as is now practised at the circuit courts, or in the court of session, it shall be lawful for the court forthwith to pronounce their interlocutor upon the relevancy, and to proceed to the trial, or to adjourn their interlocutor upon the relevancy, or the trial, to a further day, as they shall see cause.*

Regulation of trials in the court of justiciary by an act of 1695 repealed.

Regulations to be observed in place of those repealed.

**XLII.** *Provided always, That it shall and may be lawful for the said court of justiciary, in the trial of any crimes or offences, other than high treason, to direct by a special order for that purpose, in such cases as for their difficulty or importance shall appear to require such direction, that informations in writing be given in by the procurators for the pursuer and the pannel respectively, in any part of the trial where questions of such difficulty shall occur, whether, after the debate on the relevancy of the libel, or of the defences, or on the import of a special verdict,*

Rules to be observed by the justiciary where questions of difficulty occur.

verdict, or on the degree of punishment, or extent of the pains of law for the crime libelled, or upon any matters that shall be alleged for the pannel before judgment.

Sheriff's fines  
abolished.

XLIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and forty eight, no fines, forfeitures, or penalties, set, imposed, or recovered in the sheriff's or steward's court of any county, shire, or stewartry in *Scotland*, shall accrue, go, or belong to the sheriff or steward or any sheriff depute or steward depute, but all shares of such fines, forfeitures, and penalties, as heretofore went to the judge, shall accrue and belong to his Majesty, his heirs and successors, and shall be accounted for, and paid into the exchequer of *Edinburgh*, in like manner, and the like process, rules, orders, and methods of proceeding, shall be issued, observed, and used for levying the same, and compelling the accounting for, bringing in, and paying the same into the said exchequer, as are now competent by law for the accounting for, levying, bringing in, and paying into the said exchequer any fines, forfeitures, and penalties accruing or becoming due to his Majesty; and that from and after the said twenty fifth day of *March*, no fees, poundage, or profits, commonly called sentence money, shall be received, taken, or demanded by any sheriff or steward, sheriff depute or steward depute, or any of their ministers, officers, or clerks, but all such fees, poundage, or profits, commonly called sentence-money, are hereby utterly taken away, discharged, and abolished; any law, custom, gift, grant, usage, or practice to the contrary in any wise notwithstanding.

Judges fines  
to be paid into  
the exchequer

Rules to be  
observed in  
levying, &c.

Sentence money  
abolished.

Agents &c.  
to take the  
oaths.

XLIV. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty seven, it shall not be lawful for any person whatsoever in *Scotland* to act as a writer, agent, or solicitor, or to manage, agent, or solicit any cause or business in the court of session, court of justiciary (whether at *Edinburgh*, or in the circuit courts) or in the court of *Exchequer*, until such person shall have first taken and subscribed the oaths in the court of session or justiciary, or in one of the sheriffs or stewards courts, appointed by law to be taken by persons in offices, civil or military, in *Scotland*, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in the respective courts, where any such person shall so officiate, and it shall not be lawful for any person whatsoever to act or officiate as a procurator, writer, agent, or solicitor, or to plead, manage, agent, or solicit any cause or business in the court of any sheriff or steward in *Scotland*, or any other inferior court, until such person shall have first taken and subscribed the said oaths as aforesaid, and caused a certificate thereof to be registered in such court or courts where he shall officiate as aforesaid; any law, custom, or usage to the contrary notwithstanding; and every such court shall be obliged, upon demand of such persons, to administer and register such oaths respectively; and every per-

son who shall, after the said twenty ninth day of September, one thousand seven hundred and forty seven, act in manner above-mentioned in any of the courts aforesaid, without having first taken and subscribed the said oaths, and caused a certificate thereof to be registered as herein directed, shall, for every such offence, being thereof lawfully convicted in any of the courts aforesaid, where the offence shall have been committed, or before the court of session, or justiciary, upon a summary trial, forfeit the sum of twenty pounds sterling; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the use of such person who shall give information of the said offence; and shall suffer imprisonment for the space of six months, unless or until the same be paid.

Agents acting without having taken the oaths. &c.

to forfeit 20l.

or be committed.

#### C A P. XLIV.

*An act to extend the provisions of an act made in the thirteenth year of his present Majesty's reign, intituled, An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in America, to other foreign protestants who conscientiously scruple the taking of an oath.*

**W**HEREAS by an act made in the thirteenth year of his present Majesty's reign, intituled, An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in America; it was enacted, That from and after the first day of June, in the year of our Lord one thousand seven hundred and forty, all persons born out of the allegiance of his Majesty, his heirs or successors, who had inhabited and resided, or should inhabit and reside for the space of seven years, or more, in any of his Majesty's colonies in America, and should not have been absent out of some of the said colonies for a longer space than two months, at any one time during the said seven years, and should take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty King George the First, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors; or being of the people called Quakers, should make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an act made in the eighth year of the reign of his said late Majesty, intituled, An act for granting the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under; and also make and subscribe the profession of his christian belief, appointed and prescribed by an act made in the first year of the reign of their late majesties King William and Queen Mary, intituled, An act for exempting their Majesties protestant subjects from the penalties of certain laws, before the chief judge, or other judge

13 Geo. 2. c. 7.

1 Geo. 1. c. 13.

8 Geo. 1. c. 6.

1 W. & M. st. 1. c. 18.



Foreign protestants residents in America 7 years, who scruple an oath, upon making and subscribing the affirmation of fidelity and declaration,

to be deemed natural born subjects.

Lists of persons taking the benefit to be

judge of the colony wherein such persons respectively had so inhabited and resided, or should so inhabit and reside, should be deemed adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every one of them, had been or were born within this kingdom: and whereas many of the people of the congregation called the Moravian brethren, and other foreign protestants, not Quakers, who conscientiously scruple the taking of an oath, are settled in his Majesty's colonies in America, and demean themselves there as a sober, quiet, and industrious people, and many others of the like persuasion are desirous to transport themselves thither; and if the benefit of the said act, made in the thirteenth year of his present Majesty's reign, were extended to them, they who are now there would thereby be encouraged to continue their residence in his Majesty's colonies, and others would resort thither in greater numbers, whereby the said colonies would be improved, their strength increased, and their trade extended; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of December, one thousand seven hundred and forty seven, all foreign protestants, who conscientiously scruple the taking of an oath, and who are born out of the ligeance of his Majesty, his heirs or successors, who have inhabited and resided, or shall inhabit and reside, for the space of seven years or more, in any of his Majesty's colonies in America, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by the said recited act, made in the eighth year of the reign of his late majesty King George the First, and also make and subscribe the profession of his christian belief, appointed and prescribed by the said recited act, made in the first year of the reign of their late majesties King William and Queen Mary, before the chief judge or other judge of the colony wherein such persons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they and every of them had been or were born within this kingdom; which said affirmation and subscription of the said declaration, the said chief or other judge of every of the said respective colonies, is hereby enabled and empowered to administer and take: and the taking of every such affirmation, and the making and subscribing of every such declaration, shall be in such manner and place, and at such times and hours, and such entries made thereof, and for the same fees, and under the same penalties, as in the said recited act of the thirteenth year of his Majesty's reign are mentioned; and lists of the persons who shall take the benefit of this act, shall be transmitted to the commissioners of trade and

and plantations, in like manner, and under the same penalties, as lists of the persons taking the benefit of the said act are there-  
by directed to be transmitted.

transmitted to  
the commis-  
sioners of  
trade

II. Provided always, and be it enacted by the authority afore-  
said, That no person shall be naturalized by virtue of this act,  
unless such person shall have received the sacrament of the Lord's  
supper, in some protestant or reformed congregation, within  
some of the said colonies in *America*, within three months next  
before his taking such affirmation, and making and subscribing  
such declaration, and shall at the time of his taking such affir-  
mation and making and subscribing such declaration, produce a  
certificate, signed by the person administering the said sacrament,  
and attested by two credible witnesses, whereof an entry shall be  
made in the secretary's office of the colony wherein such person  
shall so inhabit and reside, as also in the court where the said affir-  
mation shall be so taken as aforesaid, without any fee or reward.

Persons to  
qualify them-  
selves by tak-  
ing the sacra-  
ment.

Certificate and  
entry thereof  
to be made.

III. And be it further enacted by the authority aforesaid,  
That the provisions contained in the said act, made in the thir-  
teenth year of his present Majesty's reign, with regard to certi-  
ficates of residence, and of having made and subscribed the said  
declaration, and taken the said affirmation, and as to such certi-  
ficates being made evidence in the courts of *Great Britain* and  
*Ireland*, and also in the said colonies, and all other the benefits  
of the said act, shall extend to foreign protestants, who conscien-  
tiously scruple the taking of an oath, and who shall be qualified  
as aforesaid.

Provisions of  
act 13 Geo. 2.  
with regard to  
certificates,  
&c. extended  
to such foreign  
protestants.

IV. Provided always, That the said foreign protestants shall  
enjoy the privileges of natural born subjects, and all the benefits  
of this act, and the said act of the thirteenth year of his Majes-  
ty's reign.

Privileges of  
natural-born  
subjects, &c.

V. Provided always, and be it hereby further enacted, That  
no person who shall become a natural-born subject of this king-  
dom, by virtue of this act, shall be of the privy council, or a  
member of either house of parliament, or capable of taking,  
having, or enjoying any office or place of trust within the king-  
doms of *Great Britain* or *Ireland*, either civil or military, or of  
having, accepting, or taking any grant from the crown to him-  
self, or to any other in trust for him, of any lands, tenements, or  
hereditaments, within the kingdoms of *Great Britain* or *Ireland*,  
any thing herein before contained to the contrary thereof in any  
wise notwithstanding.

Restrictions.

VI. Provided also, and it is hereby further enacted by the  
authority aforesaid, That nothing in this act, or in the said re-  
cited act of the thirteenth year of his Majesty's reign contained,  
shall extend, or be construed to extend to naturalize any person  
or persons whatsoever who by virtue of an act made in the fourth  
year of his Majesty's reign (intituled, *An act to explain a clause in*  
*an act made in the seventh year of the reign of her late majesty Queen*  
*Anne, for naturalizing foreign protestants, which relates to the*  
*children of natural-born subjects of the crown of England, or of*  
*Great Britain*) are declared and enacted not to be intitled to the  
benefit of the said act of the seventh year of her said late Majesty's

Persons ex-  
cluded from  
this or 13 Geo.  
2.

4 Geo. 2. c. 21.

reign, but that all ſuch perſons ſhall be and remain in the ſame ſtate, plight, and condition, to all intents, conſtructions, and purpoſes whatſoever, as they would have been in, if the ſaid recited act of the thirteenth year of his Maſteſty's reign, or this act, had never been made; any thing in this act, or in the ſaid recited act of the thirteenth year of his Maſteſty's reign contained to the contrary in any wiſe notwithstanding.

## CAP. XLV.

*An act to continue ſeveral laws relating to the manufactures of ſail-cloth and ſilk; to give further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for better ſecuring the payment of the ſaid duties; and declaring that prize ſhips lawfully condemned ſhall be deemed Britiſh built ſhips; and for allowing prize goods to be landed and ſecured in proper warehouſes, without payment of any duty, until it can be determined whether they are fit for exportation or home conſumption.*

**W**HEREAS the laws herein after mentioned, which have by experience been found uſeful and beneficial, are near expiring, may it pleaſe your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the twelfth year of the reign of her late maſteſty Queen Anne, intituled, *An act for the better encouragement of the making of ſail-cloth in Great Britain*; which was to continue in force for ſeven years, and from thence to the end of the then next ſeſſion of parliament; and which was, by an act made in the fifth year of his late Maſteſty's reign, further continued for the term of ſeven years, and from thence to the end of the then next ſeſſion of parliament; and which, by another act made in the tenth year of the reign of his ſaid late Maſteſty, was further continued for the term of ſeven years, and from thence to the end of the then next ſeſſion of parliament; and which, by another act made in the eighth year of the reign of his preſent Maſteſty, was further continued until the twenty fifth day of March, one thouſand ſeven hundred and forty two, and from thence to the end of the then next ſeſſion of parliament; and which, by another act made in the fifteenth year of the reign of his preſent Maſteſty, was further continued until the firſt day of June, one thouſand ſeven hundred and forty ſeven, and from thence to the end of the then next ſeſſion of parliament; ſhall be, and the ſame is hereby further continued from the expiration thereof until the firſt day of June, one thouſand ſeven hundred and fifty four, and from thence to the end of the then next ſeſſion of parliament.

12 Annæ, c. 16.  
5 Geo. 1. c. 25.  
10 Geo. 1. c. 17.  
8 Geo. 2. c. 18.  
15 Geo. 2. c. 35.  
Continued to 1 June, 1754.  
Farther continued by 27 Geo. 2. c. 18.

II. And be it further enacted by the authority aforefaid, <sup>Claufes in</sup> That the feveral claufes contained in an aét made in the eighth <sup>8 Geo. 1. c. 15.</sup> year of the reign of his late Majefty, (intituled, *An aét for encouragement of the filk manufactures of this kingdom; and for taking off feveral duties on merchandizes exported; and for reducing the duty upon beaver-fkins, pepper, mace, cloves, and nutmegs, imported; and for importation of all firs of the produét of the Britifh plantations into this kingdom only; and that the two corporations of affurance, on any fuits brought on their policies, fhall be liable only to fingle damages and cofts of fuit*) relating to the encouragement of the filk manufactures of this kingdom, and for taking off feveral duties on merchandizes exported, which were to continue in force for three years, from the twenty fifth day of *March*, one thoufand feven hundred and twenty two, and from thence to the end of the then next feflion of parliament; and which faid claufes were, by an aét made in the eleventh year of his faid <sup>11 Geo. 1. c. 29.</sup> late Majefty's reign, continued from the expiration thereof for three years, and from thence to the end of the then next feflion of parliament; and by another aét made in the fecond year of his pre- <sup>2 Geo. 2. c. 28.</sup> fent Majefty's reign, were further continued from the expiration thereof until the twenty ninth day of *September*, one thoufand feven hundred and thirty four, and from thence to the end of the then next feflion of parliament; and which, by another aét made in the eighth year of his prefent Majefty's reign, were further continued <sup>8 Geo. 2. c. 18.</sup> until the twenty fifth day of *March*, one thoufand feven hundred and forty two, and from thence to the end of the then next feflion of parliament; and which, by an aét made in the fifteenth year <sup>15 Geo. 2. c. 15</sup> of the reign of his prefent Majefty, were further continued until the firft day of *June*, one thoufand feven hundred and forty feven, and from thence to the end of the then next feflion of parliament; fh. ll be, and the fame are hereby continued from <sup>Continued to 1 June, 1754.</sup> the expiration thereof until the faid firft day of *June*, one thou- <sup>Farther conti- nued by 26</sup> fand feven hundred and fifty four, and from thence to the end <sup>Geo. 2. c. 32.</sup> of the then next feflion of parliament.

III. And be it further enacted by the authority aforefaid, <sup>The two laft claufes in</sup> That the two laft claufes in an aét made in the ninth year of the <sup>9 Geo. 1. c. 8.</sup> reign of his late Majefty, for continuing fome laws, and reviving others therein mentioned, for more effectual preventing frauds in mixing filks with ftuffs to be exported, which faid claufes were by an aét, made in the fecond year of the reign of his prefent Majefty, to continue in force from the twenty ninth day of *September*, one thoufand feven hundred and thirty four, and from thence to the end of the then next feflion of parliament; and which, by another aét, made in the eighth year of the reign of his prefent Majefty, were further continued until the twenty fifth day of *March*, one thoufand feven hundred and forty two, and from thence to the end of the then next feflion of parliament; and which by another aét made in the fifteenth year of the reign of his prefent Majefty, was further continued until the firft day of *June*, one thoufand feven hundred and forty feven, and from thence to the end of the then next feflion of

continued to parliament, ſhall be, and are hereby further continued until  
 1 June, 1754. the ſaid firſt day of June, one thouſand ſeven hundred and fifty four, and from thence to the end of the then next ſeſſion of parliament.

IV. *And whereas by two ſeveral acts of parliament made and paſſed in the eighth and ninth years of the reign of her late majeſty Queen Anne, certain rates and duties, to be under the management of the commissioners for the ſtamp duties, were charged and directed to be levied or continued, for or in reſpect of monies given, paid, or contracted for, with clerks, apprentices, or ſervants, to be paid at ſuch times, and in ſuch manner, and under ſuch penalties, as in and by the ſaid ſeveral acts are reſpectively mentioned, expreſſed, and provided: and whereas by an act made and paſſed in the eighteenth year of the reign of his preſent Majeſty, intituled, An act for granting to his Majeſty the ſum of eight hundred thouſand pounds out of the ſinking fund, and for granting a ſum remaining in the exchequer, ariſen by the ſurplus of the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and forty five; and for the further appropriating the ſupplies granted in this ſeſſion of parliament; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for the further enforcing the payment of the ſaid duties; after taking notice of the ſaid two former acts, and that ſeveral perſons had, through negligence or inadvertency, omitted to pay the ſeveral rates and duties payable in that behalf; and to have the indentures or contracts ſtamped within the times, for thoſe purpoſes reſpectively limited by the ſaid acts, whereby ſuch clerks, apprentices, or ſervants, and their maſters or miſtreſſes reſpectively, had incurred, and might be ſubject to ſeveral penalties, forfeitures, and diſabilities, it is therefore enacted, That upon payment of the ſeveral rates and duties ſo omitted or neglected to be paid as aforeſaid, on or before the firſt day of Auguſt, one thouſand ſeven hundred and forty five, and tendering to be ſtamped ſuch indentures or contracts ſo omitted to be ſtamped at the ſame time, or at any time before the twenty ninth day of September, one thouſand ſeven hundred and forty five, the ſame indentures or contracts ſhould be good and available in law and equity, and might be given in evidence; and the clerks, apprentices, or ſervants therein named, ſhould be capable of following and exerciſing their reſpective intended trades and employments, as fully as if the rates and duties ſo omitted, had been duly paid within the reſpective times in the ſaid former acts limited and appointed, and the perſons who had incurred any penalties by the omiſſions aforeſaid, upon payment of ſuch rates and duties as aforeſaid, within the time thereby before limited, were thereby acquitted and diſcharged from the ſaid penalties: and it was thereby further enacted, That after the twenty fourth day of June, one thouſand ſeven hundred and forty five, if any maſter or miſtris ſhould neglect to pay the ſaid rates and duties for clerks, apprentices, or ſervants, within the reſpective times, in and by the former acts limited and appointed in that behalf, according to the true intent and meaning of the ſame; every ſuch maſter*  
*and*

and mistress should, for every such neglect, forfeit and pay double the rates and duties charged and directed to be paid and levied by the said former acts, or either of them (over and above all penalties and forfeitures thereby inflicted) for all monies which should, at any time or times, after the said twenty fourth day of June, one thousand seven hundred and forty five, be given, paid, contracted, or agreed for, with, or in relation to every such clerk, apprentice, or servant, to be recovered, paid, and applied, in such manner as is therein mentioned: and it was thereby further enacted, That if any master or mistress of any such clerk, apprentice, or servant respectively, should neglect to pay the said rates and duties so charged by the said former acts, or either of them, within the respective times therein limited in that behalf, whereby the penalties and forfeitures incurred by the said act of the eighteenth year of his present Majesty, would become charged upon, and be payable by them respectively; and any such clerk, apprentice, or servant respectively, should in that case pay or cause to be paid the rates and duties charged by the said former acts, or either of them, and also the penalties and forfeitures inflicted and incurred by the said act of the eighteenth year of his present Majesty, at any time within one year after the same should so respectively become charged, incurred, and made payable by virtue of the same act, as aforesaid (such masters or mistresses not having then paid the said rates, duties, penalties, and forfeitures respectively, although required by such clerk, apprentice, or servant so to do) then, and in such case, it should and might be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said rates, duties, penalties, and forfeitures respectively by him, her, or them as aforesaid, to demand of his or her master or mistress, or his, her, or their executors or administrators, such sum or sums of money, as was or were paid to such master or mistress, for or in respect of such clerkship, apprenticeship, or servitude; and in case such sum or sums of money should not be paid within three months after such demand thereof made, it should and might be lawful to and for such clerk, apprentice, or servant, to sue for and recover the same, with full costs of suit, against such master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager at law, or more than one imparlance, should be allowed; and every such clerk, apprentice, or servant, should and might, immediately after payment of such rates, duties, penalties, and forfeitures as aforesaid, be discharged from his, her, or their clerkship, apprenticeship, and service respectively, and from all actions, penalties, forfeitures, and damages, for not serving the time for which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively: and it was thereby further enacted and declared, That every such clerk, apprentice, or servant, should avail him or herself, and have such and the same benefit and advantage of the time he or she should respectively have continued with, and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other

Further time  
given for pay-  
ment of duties  
omitted to be  
paid for the  
indentures of  
clerks and ap-  
prentices, up-  
on payment of  
double duties,  
&c.

Penalties in-  
curred by  
omissions of  
charges upon  
payment of  
double duties

Upon pay-  
ment of dou-  
ble duties and  
tender of the  
contracts to  
be stamped  
within two years  
after the end  
of the appren-  
ticeship, &c.

the contracts  
to be good,  
&c.

master or mistress: and whereas several masters and mistresses do still frequently neglect and omit to pay the said several rates and duties payable in that behalf, whereby they have rendered themselves and their respective clerks, apprentices, and servants, subject and liable to several penalties, forfeitures, and disabilities now, for preventing the said inconveniencies, and for the better enforcing the pay- ment of the said rates and duties for the future, be it enacted by the authority aforesaid, That if any master or mistress, who at any time heretofore shall have neglected to pay the said rates and duties for clerks, apprentices, or servants, shall, on or be- fore the twenty ninth day of *September*, one thousand seven hundred and forty seven, pay the double rates and duties, directed to be forfeited and paid by the said act of the said eighteenth year of the reign of his present Majesty, unto the person or persons to whom the same ought to be paid pursuant to the same act, and shall tender to be stamped such indentures or contracts so omitted to be stamped. at the same time, or at any time be- fore the twenty fifth day of *December*, one thousand seven hun- died and forty seven, then, and in such case, the same inden- tures and contracts shall be good and available in law and equi- ty, and may be given in evidence in any court whatsoever, and the clerks, apprentices, or servants therein named, shall be ca- pable of following and exercising their respective intended trades or employments, as fully as if the rates and duties so omitted, had been duly paid within the respective times in the said for- mer acts, or either of them, limited and appointed, and all and every person and persons, who shall have incurred any pen- alties by the omissions aforesaid, upon payment of such double rates and duties as aforesaid, within the time before limited, are hereby acquitted and discharged from the said penalties, any thing in the said two former acts, or either of them, contained to the contrary notwithstanding.

V. And it is hereby further enacted, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty seven, if any master or mistress, who, by reason of such neglect as aforesaid, shall become liable to forfeit and pay the said double rates and duties as aforesaid, shall respectively pay the said double rates and duties unto the person or persons to whom the same ought to be paid in pursuance of the said former acts, and also tender the indentures or contracts to be stamped at any time within two years after the end or deter- mination of the apprenticeship or service of any such clerk, ap- prentice, or servant respectively, and before any suit or prosecu- tion shall have been commenced for recovering any of the pe- nalties and forfeitures inflicted and incurred by the said former acts, or any of them, then, and in such case, the indentures or contracts of such clerk, apprentice, or servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever, and the clerks, apprentices, or servants therein named, shall be capable of following and ex- ercising their respective intended trades or employments, as fully

as if the rates and duties ſo omitted, had been duly paid within the reſpective times in the ſaid former acts, or any of them, limited or appointed; and all and every perſon and perſons, who ſhall have incurred any penalties by the omissions aforeſaid, upon payment of ſuch double rates and duties as aforeſaid, within the reſpectives times herein laſt before limited in that behalf, ſhall be, and they are hereby acquitted and diſcharged of and from the ſaid penalties and forfeitures; any thing in the ſaid former acts, or any of them, contained to the contrary notwithstanding.

Penalties incurred for omissions diſcharged upon payment of double duties.

VI. And it is hereby further enacted, That if any maſter or miſtreſs ſhall, by reaſon of any ſuch neglect as aforeſaid, become liable to forfeit and pay ſuch double rates and duties as aforeſaid, and any ſuch clerk, apprentice, or ſervant reſpectively, ſhall and do, at any time after ſuch forfeiture incurred, either in the preſence of one or more credible witneſs or witneſſes, or by writing under the hand of ſuch clerk, apprentice, or ſervant reſpectively, ſigned in the preſence of one or more credible witneſs or witneſſes, require his or her maſter or miſtreſs reſpectively to pay the ſaid double rates or duties ſo incurred as aforeſaid, and ſuch maſter or miſtreſs ſhall not, within three months after ſuch requeſt, pay the ſame, and any ſuch clerk, apprentice, or ſervant ſhall, at any time within two years after the determination of his clerkſhip, apprenticeship, or ſervitude, pay the ſaid double rates and duties ſo forfeited and incurred, and not paid by his or her maſter or miſtreſs reſpectively as aforeſaid, then, and in ſuch caſe, it ſhall and may be lawful to and for any ſuch clerk, apprentice, or ſervant, within three months after ſuch payment of the ſaid double rates and duties by him, her, or them, as aforeſaid, to demand of his or her maſter or miſtreſs, or his, her, or their executors or adminiſtrators, double the ſum or ſums of money, or other conſideration reſpectively given, paid, and agreed, or contracted to be paid to ſuch maſter or miſtreſs, for or in reſpect of ſuch clerkſhip, apprenticeship, or ſervitude; and in caſe ſuch ſum or ſums of money ſhall not be paid within three months after ſuch demand thereof made, it ſhall and may be lawful to and for any ſuch clerk, apprentice, or ſervant, to ſue for and recover the ſame, with full coſts of ſuit, againſt ſuch maſter or miſtreſs, his, her, or their executors or adminiſtrators, by action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record at *Westmiſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed; and every ſuch clerk, apprentice, or ſervant, ſo paying ſuch double rates or duties as aforeſaid, ſhall and may, immediately after payment thereof reſpectively, and upon ſignifying, by writing under his or her hand, that he or ſhe deſires to be diſcharged from his, her, or their clerkſhip, apprenticeship, and ſervice reſpectively, ſhall be accordingly diſcharged from the ſame reſpectively, and from all actions, penalties, forfeitures, and damages, for not ſerving the time for which he, ſhe, or they were reſpectively bound,

Apprentices, &c. paying the double duties forfeited by their maſters, &c.

to be reimbursed double the ſum paid in reſpect of ſuch apprenticeship, &c.

with coſts;

and be diſcharged from their apprenticeship, if they require it;



contracted for, or agreed to serve such master or mistress respectively.

and to have the same benefit of their service, as if they had been turned over.

VII. Provided always, and it is hereby further enacted and declared, That every such clerk, apprentice, or servant, shall avail him or herself, and have such and the same benefit and advantage of the time he or she shall respectively have continued with and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other master or mistress.

Apprentices paying the double rates where prosecutions are commenced against their masters,

VIII. Provided always, That in case where any prosecution shall be commenced against any master or mistress, for recovering any of the penalties and forfeitures inflicted and incurred by the said former acts, or any of them, the clerk, apprentice, or servant of such master or mistress respectively shall pay such double rates and duties, at any time within two years after the end of his, her, or their clerkship, apprenticeship, or servitude, and every such clerk, apprentice, or servant respectively, shall, upon payment of such double rates and duties as aforesaid, be capable and qualified to follow and exercise his, her, and their respective trades and employments; and the indentures or contracts of such clerk, apprentice, and servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever; any thing in this or the said former acts, or any of them, contained to the contrary notwithstanding.

to be qualified to follow their trades, &c.

Prize ships to be deemed as British built.

IX. *And whereas it is reasonable and fit, that prize ships or vessels, lawfully condemned, should be deemed as British built ships or vessels, to all intents and purposes,* be it therefore enacted by the authority aforesaid, That all prize ships or vessels, which have been at any time, or shall be legally condemned, shall, to all intents and purposes whatsoever, be considered as *British* built ships or vessels, and be deemed and taken as such, and shall be intitled to have and enjoy all and every the same rights, liberties, privileges, and advantages in all respects whatsoever with *British* built ships or vessels, and shall be subject and liable to all and every the rules and regulations, that *British* built ships or vessels are subject and liable to; any law, custom, or usage to the contrary thereof in any wise notwithstanding.

X. *And whereas his Majesty's ships of war and privateers have, during the present war against France and Spain, taken divers goods and merchandizes from his Majesty's enemies, which have, with the privity and approbation of the commissioners, or other proper officers of the customs or excise, been landed and deposited in warehouses under his Majesty's locks, in order to be examined to ascertain the particulars and natures of such goods, and sundry parts whereof, having upon such examination, been found unfit for the consumption of this kingdom, and most proper to be exported to foreign parts, have been declared by the captors for exportation, and in order thereto, been continued in such warehouses, under the care and inspection of the officers of the customs or excise: and whereas some doubts have arisen, whether the said goods can be re-exported by any others but the captors,*

or

or in other ships than those in which they were taken and imported, or without first being entered, and paying the duties of custom or excise for the same; and which in several instances amounting to more than the profit that can be made by the captors of such goods, would deprive them of the whole benefit thereof; and in many instances, the re-exporting such prize goods by the captors themselves, in the ships in which they are taken and imported, would be impossible; goods taken in neutral ships, being often condemned where the ship is discharged, and would in most cases be impracticable, as the goods declared for exportation are never any thing near a sufficient cargo to lade a ship to a foreign market, and the captors not being merchants, but seamen, have no houses abroad, and are wholly unacquainted with transactions of this nature; for remedy of which inconveniency, and for the further encouraging the making captures from the enemy, be it further enacted by the authority aforesaid, That all goods and merchandize that have been, or shall, during the continuance of the present war with *France* or *Spain*, be taken from his Majesty's enemies, and landed from on board of any ship or vessel, in any port within the kingdom of *Great Britain*, and put into warehouses provided, or to be provided, at the sole expence of the captors, with the privity and approbation of the commissioners, or other officers of the respective duties of customs or excise, to which such goods or merchandize are liable, and under the King's locks, in order to be examined, to ascertain the particulars and nature of such goods and merchandize, and that have, or shall, from the landing thereof, continue and remain in such warehouses, under the care and inspection of the commissioners, or other officers of the respective duties of customs or excise, to which such goods or merchandize are liable; and that within the space of three months after the landing thereof, have been, or shall be declared by or on the behalf of the captors, to the said commissioners or officers of the respective duties of custom or excise, to which such goods or merchandize are liable, to have been, or to be intended to be re-shipped to foreign parts, shall, and may, from time to time, and at all times hereafter, be exported directly from such warehouses to foreign parts, in any ship or ships belonging to his Majesty's subjects, either by the captor or captors of such goods or merchandizes, or by any other person or persons to whom the captor or captors have under such declaration for exportation as aforesaid, sold or disposed of the same, or shall or may sell or dispose of the same, for exportation as aforesaid, without paying any duty of custom or excise for the same, the person or persons exporting the same, giving sufficient security before the shipping thereof, that the goods and merchandize that shall be intended by him or them to be exported, as aforesaid, or any part thereof, shall not be re-landed or brought again into any part or parts of *Great Britain*; which security the customer or collector of the port where the same is intended to be exported, is hereby directed and authorized to take in his Majesty's name, and to his Majesty's use.

Prize goods landed, and put into warehouses;

upon declaration of the captors, of their intention to re-ship them,

may be exported without paying duty.  
21 Geo. 2. c. 2.  
§. 8.

Exporter to give security.

C A P. XLVI.

*An Act to prevent the return of such rebels and traitors concerned in the late rebellion, as have been, or shall be pardoned on condition of transportation; and also to hinder their going into the enemies country.*

**W**HEREAS, during the time of the late wicked and unnatural rebellion, and since, a great number of persons who had taken up arms, or were otherwise engaged in the said rebellion, were by his Majesty's great vigilance and care apprehended, several of whom have been tried and convicted of the said treasons, and many conscious of their guilt, have by their petition, implored his Majesty's mercy, upon condition of their being transported to some of the British colonies and plantations in America: and whereas his Majesty out his great clemency hath been most graciously pleased to grant his royal pardon to several of them as well those who were so tried and convicted, as those who by their petitions have acknowledged their guilt, and implored his Majesty's mercy as aforesaid, and others may hereafter be pardoned on the like application and condition: and whereas it is thought expedient for the publick safety, that all proper means should be taken to prevent their returning from the said colonies or plantations, or going to his Majesty's enemies; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons to whom his Majesty has, or shall hereafter grant his most gracious pardon for the said treasons, or any of them, on condition of their being transported to some of the British colonies or plantations in America, shall, without the licence of his Majesty, his heirs or successors, under his or their privy seal or sign manual for that purpose, or some other lawful cause, return, or come into, or be at large, in any part of Great Britain or Ireland, or voluntarily go into, or continue in any part of the dominions of the French King, or the King of Spain, in Europe, America, or elsewhere, he, she, or they so returning, or coming into, or being in any part of Great Britain or Ireland, as aforesaid, or who shall voluntarily go into, or continue in any part of the dominions of the French King, or King of Spain, shall not only have no benefit of such pardon, but shall be guilty of felony, and shall suffer death, and forfeit as in cases of felony, without benefit of clergy.

II. And be it further enacted by the authority aforesaid, That in case any person or persons whatsoever, shall knowingly aid or assist any such person or persons so pardoned, or to be pardoned, on condition of transportation, as aforesaid, in his, her, or their unlawful returning, or coming into, or becoming or being at large in Great Britain or Ireland, or in going into, or continuing in any of the dominions of the French King, or the King of Spain, without such licence, or other lawful cause, such person or persons so offending, shall be guilty of felony, and suffer

Rebels return-  
ing from  
transportation  
without li-  
cence,

or voluntarily  
going into  
France or  
Spain,

to suffer death  
without cler-  
gy.

Aiders of per-  
sons return-  
ing,

suffer death, and forfeit as in cases of felony, without benefit of clergy. to suffer death, &c.

III. And in case any person or persons so pardoned, or to be pardoned, as aforesaid, shall unlawfully go into, or continue in any of the dominions of the *French* King, or the King of *Spain*, be it further enacted by the authority aforesaid, That in such case, if any of the subjects of his Majesty, his heirs or successors (except such person or persons as shall be licensed for that purpose by his Majesty, his heirs or successors, under his or their sign manual or privy seal) shall within this realm, or without, knowingly hold, entertain, or keep, any intelligence or correspondence in person, or by letters, messages, or otherwise, with any of the said persons who shall have so gone into, or continued in any of the dominions of the *French* King, or the King of *Spain*, or with any person or persons employed by him, her, or them, knowing such person or persons to be so employed, such person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, and forfeit as in cases of felony, without benefit of clergy. Subjects holding correspondence with rebels, going into France or Spain, or persons employed by them, to suffer death, &c.

IV. And be it further enacted by the authority aforesaid, That all offences made felony by this act, shall and may be enquired of, examined, tried, and determined in the court of *King's Bench*, in that part of *Great Britain* called *England*, or in the high court of judicature in that part of *Great Britain* called *Scotland* respectively, or in any county of this realm, in such manner and form, as if the fact had been therein committed, or within any of the *British* colonies or plantations in *America*, within which any such offence shall be committed, or in any county of *Ireland*, in case any such offence shall be committed within that kingdom.

V. And in order that all persons in the colonies or plantations, to which the said offenders shall be transported, may have notice of the persons who are or shall be so pardoned and transported, be it further enacted by the authority aforesaid, That within the space of one week after any of the said persons shall be transported or brought to any such colonies or plantations, the naval officer, or other chief officer of the customs, at the port whither they shall be brought, shall have and receive from the master or commander of the ship in which they shall be brought, a true list, signed by such officer or commander, of the names and additions of the persons so transported; which list shall be hung, or set up in the publick custom-house of such port, there to be seen, read, and copied by all persons, without any fee or reward; and in case the same shall be defaced, taken away, or lost, a new list shall, from time to time, be immediately set and kept up by such naval or other principal officer; and if such master or commander shall, after this act shall be published in any such colony or plantation, refuse or neglect to give such list, or if the said naval or other officer shall refuse or neglect to put or keep up the same as above directed, or if any person shall voluntarily deface or take away the same, being so

Commander of ship to deliver within a week a list of the persons transported, of the naval officer. List to be hung up in the custom-house. Persons offending.

to forfeit 50 l.  
Distribution of  
the forfei-  
tures.

Indictments to  
be within 2  
years after the  
offence.

put up, kept, or renewed, or any liſt put up in ſuch cuſtom-  
houſe of rebels transported, every perſon ſo offending, ſhall  
forfeit the ſum of fifty pounds ſterling for every ſuch offence;  
of which one moiety ſhall belong to his Maſteſty, his heirs and  
ſucceſſors, and the other moiety to ſuch perſon or perſons who  
ſhall ſue for the ſame, in the colony or plantation where the  
offence ſhall be committed, or in the court of *King's Bench* in  
*England*, or of juſticiary in *Scotland*, in caſe the offender ſhall  
be found in *England* or *Scotland*.

VI. Provided always, and it is hereby declared, That no  
perſon or perſons whatſoever, ſhall be convicted of any offence  
or crime made felony by this act, unleſs ſuch perſon or perſons  
ſhall be indicted for ſuch offence or crime, within two years  
next after the committing thereof.

### CAP. XLVII.

*An act to continue ſeveral laws for prohibiting the importa-  
tion of books reprinted abroad, and firſt compoſed or writ-  
ten and printed in Great Britain; for preventing exaſti-  
ons of the occupiers of locks and wears upon the river of  
Thames weſtward, and for aſcertaining the rates of wa-  
ter carriage upon the ſaid river; and for the better ſecu-  
ring the lawful trade of his Maſteſty's ſubjects to and  
from the Eaſt Indies; and for the more effectual pre-  
venting all his Maſteſty's ſubjects trading thither under  
foreign commiſſions; and relating to rice, to frauds in  
the cuſtoms, to the clandestine running of goods, and to  
copper ore of the Britiſh plantations; and for the free im-  
portation of cochineal and indico; and for puniſhment of  
perſons deſtroying turnpikes, or locks, or other works erec-  
ted by authority of parliament.*

**W**HEREAS the laws herein after mentioned (which have by  
experience been found uſeful and beneficial) are near expiring;  
may it therefore pleaſe your Maſteſty, that it may be enacted;  
and be it enacted by the King's moſt excellent Maſteſty, by and  
with the advice and conſent of the lords ſpiritual and temporal,  
and commons, in this preſent parliament aſſembled, and by the  
authority of the ſame, That ſo much of an act made in the  
twelfth year of the reign of his preſent Maſteſty (intituled, *An  
act for prohibiting the importation of books reprinted abroad, and  
firſt compoſed or written and printed in Great Britain; and for re-  
pealing ſo much of an act made in the eighth year of the reign of her  
late maſteſty Queen Anne, as impowers the limiting the prices of  
books*) as relates to the prohibiting the importation of books re-  
printed abroad, and firſt compoſed or written and printed in  
*Great Britain*; which was to continue in force from the twenty  
ninth day of *September*, one thouſand ſeven hundred and thirty  
nine, for and during the ſpace of ſeven years, and from thence  
to the end of the then next ſeſſion of parliament; ſhall be, and the

12 Geo. 2. c.  
36 for prohi-  
biting the im-  
portation of  
books, &c.

continued till  
29 Sept. 1754  
Farther conti-

the ſame is hereby further continued from the expiration thereof until the twenty ninth day of *September*, one thouſand ſeven hundred and fifty four, and from thence to the end of the then next ſeſſion of parliament.

II. And be it further enacted by the authority aforeſaid, That an act made in the third year of the reign of his preſent Ma- jeſty, intituled, *An act for reviving and amending an act made in the ſixth and ſeventh years of the reign of his late majeſty King Wil- liam the Third, intituled, An act to prevent exactions of the oc- cupiers of locks and wears upon the river of Thames weſtward, and for aſcertaining the rates of water carriage upon the ſaid river; which was to continue in force from the firſt day of May, one thouſand ſeven hundred and thirty, for the term of nine years, and from thence to the end of the then next ſeſſion of parliament; and which, by another act made in the thirteenth year of the reign of his preſent Ma- jeſty, for continuing ſeveral laws therein mentioned, was further continued from the expi- ration thereof until the firſt day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and forty ſeven, ſhall be, and the ſame is hereby further continued from the expiration thereof until the firſt day of June, one thouſand ſe- ven hundred and forty nine.*

17 Geo. 2. c. 11.  
for preventing  
exactions of  
the occupiers  
of locks and  
wears upon  
the Thames,  
&c.  
6 W. 3 c. 16.

13 Geo. 2.  
c. 8.

Continued till  
1 June, 1749.  
E X P.  
See 24 Geo. 2.  
c. 8.

III. And be it further enacted by the authority aforeſaid, That an act made in the fifth year of the reign of his preſent Ma- jeſty, intituled, *An act for reviving an act made in the fifth year of the reign of his late majeſty King George the Firſt, intituled, An act for the better ſecuring the lawful trade of his Ma- jeſty's ſubjects to and from the Eaſt Indies, and for the more effectual preventing all his Ma- jeſty's ſubjects trading thither under foreign com- miſſions; which was to continue in force from the firſt day of May, one thouſand ſeven hundred and thirty two, for the term of ſeven years, and from thence to the end of the then next ſeſſion of parliament; and which was, by an act made in the thirteenth year of the reign of his preſent Ma- jeſty, for con- tinuing ſeveral laws therein mentioned, further continued from the expiration thereof till the firſt day of June, one thouſand ſeven hundred and forty ſeven; ſhall be, and the ſame is here- by further continued from the expiration thereof until the twenty fifth day of March, one thouſand ſeven hundred and eighty.*

5 Geo. 2. c. 29.  
for ſecuring  
the trade to  
the Eaſt In-  
dies, &c.  
5 Geo. 1. c. 21.

13 Geo. 2. c. 18.

Continued till  
25 March,  
1780.

IV. And be it further enacted by the authority aforeſaid, That an act made in the third year of the reign of his preſent Ma- jeſty, intituled, *An act for granting liberty to carry rice from his Ma- jeſty's province of Carolina in America, directly to any part of Europe, ſouthward of Cape Finiſterre, in ſhips built in and belonging to Great Britain, and navigated according to law; which was to be in force for five years, from the twenty ninth day of September, one thouſand ſeven hundred and thirty, and from thence to the end of the next ſeſſion of parliament; and alſo an act made in the eighth year of the reign of his preſent Ma- jeſty, to continue the ſaid act, from the expiration thereof, until the twenty ninth day of September, one thouſand ſeven hundred and*

3 Geo. 2 c. 18.  
for importing  
of rice from  
Carolina, &c.  
8 Geo. 2. c. 19.

and forty two, and from thence to the end of the then next ſeſſion of parliament, and to extend that liberty to his Maſteſty's province of *Georgia* in *America* (which ſaid acts were by an act made in the fifteenth and ſixteenth year of the reign of his preſent Maſteſty, continued, from the expiration thereof, until the firſt day of *June*, one thouſand ſeven hundred and forty ſeven, and from thence to the end of the then next ſeſſion of parliament) ſhall be, and the ſame are hereby further continued, from the expiration thereof, until the firſt day of *June*, one thouſand ſeven hundred and fifty four, and from thence to the end of the then next ſeſſion of parliament.

25 Geo. 2. C. 33.

Continued till  
1 June, 1754.  
Further conti-  
nued by 26 Geo.  
2. C. 32.

Clauses in  
5 Geo. 1. C. 11.  
for preventing  
running of  
goods, &c.

V. And be it further enacted by the authority aforeſaid, That the ſeveral clauses in an act made in the fifth year of the reign of his late Maſteſty, intituled, *An act againſt clandestine running of uncuſtomed goods, and for the more effectual preventing of frauds relating to the cuſtoms*, relating to ſuch foreign goods, wares, and merchandizes, as ſhall be taken in at ſea, out of any ſhip or veſſel, in order to be landed, or put into any other ſhip, veſſel, or boat; and alſo relating to goods not reported, and found after clearing ſhips; and whereby further remedies are provided againſt re-landing goods, prohibited to be worn in this kingdom, and foreign goods ſhipped out for parts beyond the ſeas; and alſo relating to the opening or altering the package of goods, on board ſhips out-ward bound; and alſo relating to hovering ſhips or veſſels of the burthen of fifty tons, or under; and alſo concerning the bales or package in which coffee ſhall be exported; and alſo relating to rum imported in caſks or veſſels, not containing twenty gallons at the leaſt; and alſo relating to certificate goods entered in order to be exported to *Ireland*; which ſaid ſeveral clauses were to have continuance for the term of three years, from the ſeveral times of the commencement thereof, and from thence to the end of the then next ſeſſion of parliament reſpectively; and by another act paſſed in the ninth year of his ſaid late Maſteſty's reign, were continued, from the expiration of the ſeveral and reſpective terms therein mentioned, for the term of five years, and from thence to the end of the then next ſeſſion of parliament; and which ſaid clauses by an act made in the ſecond year of the reign of his preſent Maſteſty, were further continued until the twenty ninth day of *September*, one thouſand ſeven hundred and thirty four, and from thence to the end of the then next ſeſſion of parliament; and which ſaid clauses by another act made in the eighth year of the reign of his preſent Maſteſty, were further continued, from the expiration thereof, until the twenty ninth day of *September*, one thouſand ſeven hundred and forty two, and from thence to the end of the then next ſeſſion of parliament; and which ſaid clauses by another act made in the fifteenth and ſixteenth year of the reign of his preſent Maſteſty, were further continued, from the expiration thereof, until the firſt day of *June*, one thouſand ſeven hundred and forty ſeven, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and are hereby further con-

9 Geo. 1. C. 8.

2 Geo. 2. C. 28.

8 Geo. 2. C. 21.

25 Geo. 2. C. 33.  
Continued till  
1 June, 1754.  
Further conti-  
nued by 27 Geo.  
2. C. 18.

continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

VI. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of his late Majesty, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine; and to subject copper ore, of the production of the British plantations, to such regulations, as other enumerated commodities of the like production are subject*; which was to be in force for two years, from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; which act (except the clause obliging all ships or vessels to perform quarantine) was by an act made in the eleventh year of his late Majesty's reign, further continued, from the expiration thereof, for three years, and from thence to the end of the then next session of parliament; and which by another act (except the clause obliging all ships or vessels to perform quarantine) made in the second year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which act (except the clause obliging all ships or vessels to perform quarantine) was by another act made in the eighth year of the reign of his present Majesty, further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which said act (except so much of the same act as relates to ships or vessels performing quarantine) was by another act made in the fifteenth and sixteenth year of the reign of his present Majesty, further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be (except so much of the same act as relates to ships or vessels performing quarantine) and the same is hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament.

VII. And be it further enacted by the authority aforesaid, That an act made in the seventh year of the reign of his present Majesty, intituled, *An act for the revival of an act made in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for the free importation of cochineal during the time therein limited, and also for the free importation of indico*; which was to continue in force from the twenty fourth day of *June*, one thousand seven hundred and thirty four, for the term of seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the fourteenth year of the reign of his present Majesty, was further con-

8 Geo. 1. c. 18.  
for preventing  
running of  
goods, &c.

11 Geo. 1. c. 29.

2 Geo. 2. c. 28.

8 Geo 2 c 21.

15 Geo 2. c 33.

Continued till  
1 June, 1747.  
21 Geo 2. c.  
33. s 3.  
Further conti-  
nued by 27 Geo.  
2. c. 18.

7 Geo. 2 c. 18.  
for the free  
importing of  
cochineal and  
indico.  
13 Geo. 1. c. 25,

14 Geo. 2. c. 34.

con-



Continued till  
1 June 1754.  
Further conti-  
nued by 27  
Geo. 2. c. 18.

continued from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be and is hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

5 Geo. 2. c. 33.  
for punishing  
persons who  
shall pull down  
turnpikes, &c.

VIII. And be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present Majesty, intituled, *An act to explain, amend, and render more effectual an act passed in the first year of his present Majesty's reign, intituled, An act for punishing such persons as shall wilfully and maliciously pull down and destroy turnpikes for repairing highways, or locks, or other works erected by authority of parliament for making rivers navigable; and also an act made in the eighth year of the reign of his present Majesty, intituled, An act for rendering the laws more effectual, for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks or other works erected by act of parliament for making rivers navigable; and for other purposes therein mentioned;*

8 Geo. 2. c. 20.

15 Geo. 2. c. 33.

Continued till  
1 June, 1754.  
Made perpetual  
by 27 Geo. 2.  
c. 16.

which said acts expired, and were afterwards, by an act made in the fifteenth and sixteenth year of his present Majesty's reign, revived, and were to be in force for the purposes therein mentioned, from the first day of *June*, one thousand seven hundred and forty two, until the first day of *June*, one thousand seven hundred and forty seven, shall be and are hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

#### CAP. XLVIII.

An act to indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law; and for allowing further time for that purpose. EXP.

*Time given to 1 Dec. 1747.*

#### CAP. XLIX.

*An act for declaring valid such acts as have been done by Thomas Paulin, as one of the principal land coal-meters of the city and liberty of Westminster, between the twenty ninth day of September last and the eighth day of November following.*

19 Geo. 2. c. 35.

WHEREAS by an act of parliament passed the last session, intituled, *An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the duchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew Holborn, as lies in the county of Middlesex, it was amongst other things, enacted, That from and after the twenty fourth day of*  
Sep-

September, one thousand seven hundred and forty six, there should be and continue within the city and liberty of Westminster, one publick office, which shall be called by the name of The land coal-meters office for the city and liberty of Westminster: which said office should, from time to time be managed by two persons, to be nominated and appointed by his Majesty, his heirs and successors; which said two persons so to be nominated and appointed, should be called and known by the name of The principal land coal-meters for the city and liberty of Westminster: and it was further enacted by the said act, That no person or persons should be capable of acting as one of the principal land coal-meters, until he or they should take an oath for the true and faithful execution of the office of one of the principal land coal-meters for the city and liberty of Westminster, and other places aforesaid, as in and by the said act is declared: and it was further enacted, That it should be lawful to and for the said principal land coal-meters, or any one or more of them, to appoint a number of persons to be labouring coal-meters within the said city and liberty of Westminster, and other places aforesaid, to be stationed by the principal land coal-meters, at the several places and times in the said act for that purpose mentioned, to measure out coals, which shall, from time to time, be sold at any of the wharfs or warehouses where such labouring coal-meters shall be so stationed: and it was further enacted, That no person or persons should be capable of acting as one of the labouring coal-meters, to be appointed as aforesaid, until he or they should take an oath for the true and lawful execution of the office of one of the labouring coal-meters for the said city and liberty of Westminster, and other places aforesaid, as in and by the said act is expressed and declared: and whereas his Majesty, on or before the eighteenth day of September, one thousand seven hundred and forty six, did appoint Thomas Paulin merchant, and William Arnold fishmonger, to be principal coal-meters for the city and liberty of Westminster aforesaid, and afterwards, by his grant or letters patent, under the great seal of Great Britain, bearing date the eighth day of November, one thousand seven hundred and forty six, reciting the said act of parliament herein before recited, did grant unto Thomas Paulin and William Arnold the said coal-meters office for the city and liberty of Westminster, to have and to hold the said office unto them the said Thomas Paulin and William Arnold jointly and severally, together with all powers, privileges, advantages, and emoluments therunto belonging, and as are granted in and by the said recited act of parliament, for and during his Majesty's royal will and pleasure: and whereas the said Thomas Paulin, soon after his being nominated and appointed by his Majesty to be one of the principal land coal-meters for the city and liberty of Westminster aforesaid, to wit, the twenty sixth day of September, one thousand seven hundred and forty six (which was before his Majesty's grant had passed the great seal) took the oath required by the said act of parliament, for the true execution of the said office; and upon the twenty ninth day of the said month of September, one thousand seven hundred and forty six, entered upon the said office, and put the said act of parliament in execution, as one of the principal land coal-meters for the said city and liberty of Westminster: and whereas it may be doubted, whe-

Acts done by  
Mr. Paulin as  
principal  
coal meter,  
between 29  
Sept. and 8  
Nov. 1746.  
declared valid.

General issue.

Double costs.

ther the acts done by the said Thomas Paulin, between the said twenty ninth day of September and the said eighth day of November (on which last mentioned day his Majesty's said letters patent bear date) can be justified by the strict rules of the common law; therefore, for obviating the said doubt, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every act, matter, or thing, done or committed by the said Thomas Paulin, as one of the principal land coal-meters of the city and liberty of Westminster, between the said twenty ninth day of September and the said eighth day of November following, according to the purport of the said act, in his duty and office of a principal land coal-meter of the said city and liberty of Westminster, shall be deemed, and are hereby declared to be good and valid acts; and all actions, suits, prosecutions, and molestations whatsoever, if any there be against the said Thomas Paulin, for or by reason of any such act, matter, or thing by him done as aforesaid, are and shall be discharged and made void by this present act; and if any action or suit hereby discharged, or intended to be discharged, shall be commenced or prosecuted, the said Thomas Paulin may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the said Thomas Paulin shall recover his double costs, for which he shall have the like remedy as in cases where costs by law are given to defendants.

### C A P. L.

*An act for taking away the tenure of ward holding in Scotland, and for converting the same into blanch and feu holdings; and for regulating the casualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats, incurred there by horning and denunciation for civil causes; and for giving to heirs and successors there a summary process against superiors; and for discharging the attendance of vassals at head courts there; and for ascertaining the services of tenants there; and for allowing heirs of tailzie there to sell lands to the crown for erecting buildings, and making settlements in the biglands.*

**W**HEREAS it hath been found by experience, that the tenure of lands in that part of Great Britain called Scotland, by ward holding, and the consequences of the same, being the casualties of ward marriage and recognition, have been much more burthensome, grievous, and prejudicial to the vassals proprietors of the lands held by that tenure, than they have been beneficial to the superiors; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and

and commons, in this present parliament assembled, and by the authority of the same, That the tenure of lands or heretages in *Scotland* by ward holding, whether simple or taxed ward, and the casualties consequent upon the same by ward marriage and recognition, be taken away and discharged, and they are hereby taken away and discharged, from and after the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and forty eight; any law, statute, custom, or usage to the contrary hereof in any wise notwithstanding.

II. And be it enacted, That all tenures of any lands or heretages in *Scotland*, that are now held, or liable to be held of his Majesty by ward holding, whether simple or taxed ward, are hereby enacted to be turned into blanch holding, for payment of one penny *Scots* at the feast or term of *Whitsunday* yearly, *si petatur tantum*, and as often as such lands or heretages shall fall in non-entry, the same shall be no longer subject or liable to the annual payment of the new extent or retour duty of such lands or heretages, but instead thereof shall be subject and liable to the annual payment of the sum of one pound *Scots*, for every one hundred pounds *Scots*, of the valued rent of such lands or heretages, according to which they are now liable to pay their respective proportions of his Majesty's cess or land tax; and so proportionably for any lesser quantity than one hundred pounds *Scots* valuation.

III. And in order to ascertain the *Quantum* of such non-entry duty, it is hereby enacted, That from and after the said twenty fifth day of *March*, in all services upon the brief of mortancestry of any heir or heirs in such lands or heretages as aforesaid, the retour, over and above the setting forth the old and new extent of the lands, in such manner as hath been heretofore practised, shall further set forth and express the valuation of such lands and heretages as aforesaid, and the proportion above mentioned of such valuation, and no more shall be the non-entry duty of such lands or heretages, preceding the citation in the general declarator of non-entry.

IV. And be it further enacted, That all tenures of any lands or heretages in *Scotland*, that are now held, or liable to be held ward of any subject superior, whether simple or taxed ward, are hereby enacted to be turned into feu holding, for payment of a certain rent or feu duty in money, victual, cattle, or otherwise, yearly, in place of the said casualties of ward holding hereby discharged, and of all services, and shall be so continued, adjudged, and deemed to be, from the said twenty fifth day of *March*, and for ever thereafter.

V. And in order to ascertain the *Quantum* of the feu duty to be paid yearly, after the said twenty fifth day of *March*, by the tenants or vassals of the said lands and heretages heretofore held ward to the superiors thereof, be it further enacted by the authority aforesaid, That it shall and may be lawful for the court of session in *Scotland*, and they are hereby empowered and required to take into their consideration, the difference in value to the vassals of the change of their holdings or tenures from ward

Tenure of  
ward holding  
taking away;

converted into  
blanch hold-  
ing.

For regulating  
the casualty of  
non-entry.

Tenure of  
ward holding  
held of super-  
iors convert-  
ed into feu  
holding.

Court of ses-  
sion to settle  
the recom-  
pense,

and publish an  
act of *Sederunt*,

and determine  
differences in  
a summary  
way.

to feu hereby enacted, and what constant annual rent or feu duty, payable to the superior, will be a reasonable satisfaction or recompence for that value or difference, and thereupon to make and publish an act of *Sederunt*, which shall be in force, and observed by all the subjects in that part of the kingdom, unless or until the same shall be altered by a future act of parliament; and according to the rules prescribed in such act of *Sederunt*, it shall and may be lawful for all and every the superiors and vassals, or parties interested, to settle and adjust betwixt themselves the feu duties to be hereafter payable in place of the tenures hereby abolished or altered; and in case of difference arising, it shall and may be lawful for the said court of session, upon application made to them, by bill or petition, on behalf of or by any subject superior of such lands or heretages, or by the vassals or proprietors thereof, summarily to determine the *Quantum* of the said annual feu duty, such as the court shall judge to be a reasonable and equitable recompence to the superior, for the change of the holding hereby enacted, after having heard both parties, or summoned the party called as defender, upon twenty one days notice; and whatever annual payment the said court of session shall so modify, shall be the feu duty payable for such lands and heretages as aforesaid, to the respective superiors thereof, and all and singular their heirs and successors, and that yearly at *Whitsunday*, from and after the said twenty fifth day of *March*, when the change of holding is hereby enacted to take place, in the same manner as if feu charters had been granted of that date to the respective vassals upon their resignation, containing such change of holding, for payment of the annual feu duties so to be modified.

Vassals not to  
forfeit for feu  
duties till mo-  
dification  
made.

VI. Provided always, That until such modification shall be made by the court of session, the vassal shall not be liable to incur any forfeiture or irritancy for non-payment of the feu duties; and such modification being made, shall be inserted as the feu duty payable for such lands or heretages in the future renovations of the investments thereof, by the present vassals, their heirs or successors.

Life-rented  
estates exone-  
rated.

VII. Provided also, That in every case where the whole lands or estate so held ward, on the said twenty fifth day of *March*, shall then stand provided in life-rent to any person or persons, in such manner as by the laws of *Scotland* now in being, would be exclusive of the casualty of ward, such life-renter or life-renters during the continuance of his, her, or their rights respectively, shall not be subject to pay the annual feu duties to be modified as aforesaid; and the same during the subsistence of such life-rent rights, shall be suspended, and shall commence and become payable to the superior at the first term of *Whitsunday* after the determination of such life-rent right; and in every case where such life-rent right is not total of the whole estate, the entire feu duty so to be modified, shall, during the subsistence of such life-rent right, be payable to the superior by the  
fiar

fiar or proprietor, out of such parts of the lands or estate as shall not be life-rented.

VIII. Provided also, That the infeftments now standing in the persons of any vassal in *Scotland*, holding their lands or other heretages ward, shall remain good and valid, to all intents and purposes whatsoever, so long as the persons now infeft shall retain the same, or not be denuded thereof; and they shall notwithstanding, by virtue of this present act, be no longer subjected to the casualties hereby discharged, but shall be subject to pay the annual blanch or feu duties respectively, hereby provided to be payable in place of those casualties.

Infeftments of vassals holding lands in ward confirmed.

IX. And be it further enacted by the authority aforesaid, That no tenure of any lands or heretages by ward holding, shall hereafter be created by his Majesty, his heirs or successors, or by any other superior or proprietor of lands, or other heretages in *Scotland*.

No tenure of ward holding to be granted.

X. And whereas there are certain lands in *Scotland* held by the tenure of Feu cum Maritagio, or with clauses de non alienando sine consensu Superiorum; it is also hereby enacted by the authority aforesaid, That in all time coming, from and after the said twenty fifth day of *March*, the casualty of marriage consequent upon such holding, and all such prohibitory clauses restraining the power of alienation, be taken away and discharged; and it shall and may be lawful in like manner as is herein before directed in the case of ward holding, for the respective subject superiors, or vassals in lands or heretages that are held *Feu cum Maritagio*, or with such prohibitory clauses as aforesaid, to apply to the court of session to modify such additional feu duty by the vassal, as they shall judge a reasonable recompence to the superior, for such casualty of marriage or prohibitory clauses as aforesaid, hereby taken away and discharged.

Tenure of Feu cum Maritagio &c. taken away.

Court of session to modify the recompence.

XI. And whereas the casualties of single and life-rent escheat, consequent upon the process competent by the law of *Scotland*, for recovering payment of civil debts, or performance of obligations, have, by experience, been found highly rigorous, and liable to be abused; be it therefore enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, the casualties of single escheat, heretofore incurred by horning and denunciation of the debtor in any civil debt or obligation, and of life-rent escheat, heretofore incurred by such debtor so denounced, continuing for a year and day unrestored or unrelaxed, he, and the same are hereby taken away and discharged for ever; and that from and after the said twenty fifth day of *March*, no single escheat or life-rent escheat shall become forfeited, or be consequent upon any such process as is before mentioned; any law, custom, or usage to the contrary hereof in any wise notwithstanding.

Casualties of single and life-rent escheats incurred by horning and denunciation for civil causes taken away.

XII. And whereas the methods of procuring entry by heirs, or singular successors or purchasers of lands in *Scotland*, that are hold of subject superiors, heretofore practised, are tedious and expensive; be it therefore enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, it shall and may be law-

Heirs to, or purchasers of, lands, to ap-

ply for letters  
of horning to  
charge the fu-  
perior to grant  
new intef-  
ment.

ful and competent for any person, who shall be duly served and retoured heir to any of his predecessors in any lands or heretages in *Scotland*, and to any person who shall purchase or acquire such lands or heretages from the former proprietor or vassal, who was duly vested and seized therein, and who shall obtain from such vendor or former proprietor, a disposition or conveyance, containing a procuratory of resignation in favour of such purchaser or disponee, to apply to the ordinary on the bills in the court of session for the time being, praying a warrand for letters of horning, to charge the superior, of whom such lands or heretages were respectively held, to receive or grant new infestment to such heir or purchaser respectively; and upon production to the lords of session of a special retour of the petitioner or party so applying in any such lands or heretages, or upon production of a disposition or conveyance, bearing a procuratory of resignation in favour of such petitioner, it shall and may be lawful for the said lords of session, and they are hereby authorized and required to grant warrand for letters of horning, upon fifteen days, to charge the superior or superiors in the lands contained in such special retour, or procuratory of resignation, to receive or grant new infestment to such heir, purchaser, or disponee respectively.

Fees to be  
paid to the  
superior up-  
on entry of  
heirs, &c.

XIII. Provided always, That no superior shall be obliged to give obedience to such charge, unless the charger at the same time shall pay or tender to him such fees or casualties as he is by law intitled to receive, upon the entry of such heir or purchaser; and that it shall and may be lawful for every such superior to shew cause why he ought not to be compelled to give obedience to such charge, by offering a bill of suspension in the usual manner to the court of session.

Heirs of tail-  
zie allowed to  
sell lands to  
the crown.

XIV. *And whereas it hath been and may be found necessary for the publick service, to erect buildings, and make settlements in certain places in the highlands of Scotland, and in purchasing the land upon which such buildings are or may be erected, and settlements made, a difficulty may arise by reason of the same being part of a tailzied estate;* be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person who is seized in, or possessed of, a tailzied estate in *Scotland*, to sell, dispone, or resign, *ad perpetuam remanentiam*, any part thereof, which his Majesty, his heirs and successors shall think fit to purchase, for erecting of buildings, or making settlements within the same; any law, charter, tailzie, or other act or deed to the contrary notwithstanding.

Purchase mo-  
ney how to be  
applied.

XV. Provided always, That the monies paid as the price of such land, being part of a tailzied estate, shall be laid out, and settled to the same uses, and with the same limitations and restrictions, as such land was settled before such sale thereof as aforesaid, or applied for payment of the debts, if any such there be, of the maker of the intail, or other debts that are effectual burdens on the tailzied estate, not being contracted by such vendor himself; and for that purpose, the said money shall be paid into

into the hands of such trustees, who shall for that purpose be appointed by his Majesty, his heirs or successors, by sign manual, and the vendors; which payments shall be good discharges to his Majesty, his heirs or successors, of and from such purchase-money; and such trustees, and the survivor and survivors of them, and the executors and administrators of such survivor, shall lay out the same in the purchase of other lands, and settle, and procure to be settled the same, or applied for payment of debts on the same estate, in the manner herein before directed.

XVI. *And whereas the enfranchising of vassals of subject superiors, by causing them to become immediate vassals of the crown, is a matter of publick benefit which ought to be encouraged;* be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person seised in, or possessed of a tailzied estate in Scotland, comprehending lands or superiorities of vassals, under or holding of him, to sell to such vassals, or any of them, the superiorities over their respective lands, at such prices as the parties shall agree for, and thereupon to resign such lands for new investment, to be granted to such buyer of his own superiority, which shall be good and valid; any law, charter, tailzie, or other act or deed to the contrary notwithstanding.

Possessors of tailzied estates impowered to sell the superiorities.

XVII. Provided always, That the monies paid as the price of such superiority or superiorities, being part of a tailzied estate, shall be laid out and settled to the same uses, and with the same limitations and restrictions, as such superiority was settled before the sale thereof as aforesaid, or applied for payment of the debts, if any such there be, of the maker of the entail, or other debts that are effectual burdens on the tailzied estate, not contracted by such vendor himself, and for that purpose the monies shall be paid into the hands of trustees, who shall be appointed by the vendor of such superiority or superiorities, and the purchaser or purchasers thereof respectively; and such trustees, and the survivor and survivors of them, and the executors and administrators of such survivor, shall lay out the monies arising from such sale, in the purchase of other lands or heretages, and settle, or procure the same to be settled as aforesaid, or such monies to be applied for payment of debts on the tailzied estate, in the manner herein before directed.

Purchase-money how to be applied.

XVIII. *And whereas the ancient usage of the vassals of the King, and other subject superiors, being obliged to give suit and presence, or to appear at head courts at certain times of the year, has of a long time been useless, and therefore ought not to be continued;* be it therefore enacted by the authority aforesaid, That from and after the said twenty fifth day of March, no proprietor of lands in Scotland, holding of the King, or of any subject superior, shall be obliged to attend, appear and give suit and presence by himself, or his procurator, at any head court, or be liable to any fine or penalty, for default of attendance at such head court; any law, charter, contract, custom, or usage to the contrary in any wise notwithstanding.

Vassals discharged from attending at head courts,

XIX. Provided always, That nothing herein contained shall exempt

Vassals to attend if sum-



moned on ju-  
ries.

exempt any proprietors of lands, being vassals of the King, or any subject superior, from attendance at any court to which he is subject, being lawfully and specially summoned for that effect, to serve as a jurymen upon trials, or for any other lawful purpose whatsoever.

Powers of the  
freeholders  
head court  
reserved.

XX. Provided also, That nothing herein contained shall derogate from the powers now competent by law, to the freeholders assembled at their *Michaelmas* head court, which it shall be lawful to hold, and for the freeholders to act and proceed as formerly; any thing herein contained to the contrary notwithstanding.

Tacksmen  
discharged  
from all ser-  
vices, &c. not  
mentioned in  
the tack, &c.

XXI. *And whereas it hath been frequently practised in Scotland, to lett lands to tenants or tacksmen, reserving or expressing, over and above the certain rents and duties payable for the same, services used and wont, or services indefinitely, or other general words of the like nature, without specifying or ascertaining the same; which practice is liable to be abused, is productive of disputes between landlord and tenant, and subject to divers inconveniences; be it therefore enacted by the authority aforesaid, That from and after the first day of July, in the year of our Lord one thousand seven hundred and forty seven, no tenant or tacksmen of any lands or heretages in Scotland, by virtue of any lease or tack which shall be made in writing, or by verbal agreement, tacit relocation, or otherwise, after the said first day of July, or by virtue of the prorogation of any lease or tack made before the first day of July, or any assignee of any such lease or tack, shall be obliged or liable to perform any services whatsoever to his heretor or landlord, other than such as shall be expressly and particularly reserved and specified, and the number and kinds thereof enumerated and ascertained in some written lease or tack, or by some agreement made in writing, and signed by the parties thereto, or some persons authorized by them; any former law or usage to the contrary notwithstanding.*

Services due  
to mills re-  
served.

XXII. Provided always, That nothing herein contained relating to services to be performed by any tenant or tacksmen, after the said first day of July, shall extend or be construed to extend to any services by law or custom due to mills, or any matter or thing relative thereto.

### C A P. LI.

*An act to enlarge the time limited by an act of the last session of parliament, for restraining the use of the highland dress; and to enable heirs of tailzie, guardians, tutors, curators, and trustees in Scotland, to sell lands to the crown.*

19 Geo. 2.  
c. 39.

**W**HEREAS by a clause of an act made in the last session of parliament, intituled, An act for the more effectual disarming the highlands in Scotland, and for more effectually securing the peace of the said highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and govern-

government during the unnatural rebellion; and for indemnifying the judges, and other officers of the court of justiciary in Scotland, for not performing the northern circuit in May, one thousand seven hundred and forty six; and for obliging the masters or teachers of private schools in Scotland, and chaplains, tutors, and governors of children or youth, to take the oaths to his Majesty, his heirs and successors, and to register the same; it is enacted, That from and after the first day of August, one thousand seven hundred and forty seven, no man or boy, within that part of Great Britain called Scotland, other than such as shall be employed as officers and soldiers, in his Majesty's forces, shall, on any pretence whatsoever, wear or put on the clothes commonly called highland clothes; that is to say, the plaid, philibeg, or little kilt, trowse, shoulder belts, or any part whatsoever of what peculiarly belongs to the highland garb; and that no tartan, or party-coloured plaid or stuff, shall be used for great coats, or for upper coats: and whereas the provision made by the said clause is very necessary to be carried into execution, but the time thereby allowed for that purpose has been found too short: to the end therefore that a further time and opportunity may be given for paying due obedience to the said clause; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the time appointed by the same clause for the purposes therein mentioned, as to all those who are not landed men, be enlarged from the said first day of August, till the first day of August, one thousand seven hundred and forty eight, and that from and after the said first day of August one thousand seven hundred and forty eight, the several matters and things provided and enacted by the said clause be strictly observed, and carried into execution.

Further time allowed for the use of the highland dress. See 26 Geo. 2. c. 29.

II. And whereas it may be necessary, for the preservation of the public peace, and the further civilizing of the inhabitants of the highlands of Scotland, that land should be purchased there by his Majesty, his heirs or successors, which lands may be subject to strict tailzie, or belong to infants, pupils, minors, ideots, lunaticks, fatuous or furious persons; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person who is seised in, or possessed of a tailzied estate in Scotland, or for any guardian, tutor, curator, or trustee of an infant, pupil, minor, ideot, lunatick, fatuous or furious person, to sell, dispose, or resign *ad perpetuam remanentiam*, the whole, or any part of such tailzied estate, or the estate of such infant, pupil, minor, ideot, lunatick, fatuous or furious person, which his Majesty, his heirs or successors, may think fit to purchase for the purposes aforesaid; which lands so purchased shall remain in his Majesty, his heirs and successors, unalienable for ever; except as to the power of granting leases for seven years, with a diminution of a fifth part of the usual rent only.

Tailzied estates may be sold to the crown.

Power of granting leases.

III. Provided always, That in every such case, the monies paid as the price of such lands, shall be laid out and settled to the same uses, and with the same limitations and restrictions, as

Purchase-money how to be applied.

such

such lands were settled before the sale thereof, or shall be applied for the payment of debts that are effectual to charge such tailzied estate, not contracted by the vendor himself, or the estate of such infant, pupil, minor, ideot, lunatick, fatuous or furious person; and the said monies shall be paid into the hands of trustees, who shall be appointed by his Majesty, his heirs or successors, by sign manual, and the vendor or vendors respectively (which payments shall be good discharges to his Majesty, his heirs and successors, of and from such purchase-money) and such trustees, and the survivor and survivors of them, and the executors and administrators of such survivor, shall lay out the monies arising from such sale, in the purchase of other lands or heretages, and settle the same, or procure them to be settled, as aforesaid, or the monies applied for the payment of debts, in the manner herein before directed; and till such purchase can be found, or debts paid, they shall place out the monies, or so much thereof as shall be unapplied, from time to time, as there shall be occasion, upon good security, at interest; and such interest shall go in the same manner, as the profits of the said lands, if purchased, should have gone.

C A P. LII.

*An act for the King's most gracious, general, and free pardon.*

GEORGE R.

THE King's most excellent majesty having already shewed his royal inclination to mercy, by many particular instances of grace to such as had rendered themselves obnoxious to the laws, and subject to the highest penalties, by being concerned in the late unnatural rebellion; and his Majesty being desirous of quieting the minds of his subjects in general, hath, upon mature deliberation, resolved and determined to grant his general and free pardon, in a large and bountiful manner; not doubting but that, however it may be received by those who are obstinately bent on the ruin of their country, it will raise a due sense of gratitude in all who have been artfully misled into treasonable practices against his person and government, and preserve them and others from standing in need of the like mercy for the future, when such clemency may not be so expedient for the publick welfare, as it would be agreeable to his Majesty's inclinations; and hoping that all his subjects, by this act of grace, will be induced henceforth more carefully to observe the laws, and live in a loyal and dutiful obedience to his Majesty, therefore his Majesty is well pleased and contented, that it be enacted by the authority of this present parliament; and be it enacted by the authority of the same, in manner and form following (that is to say) That all and every his Majesty's subjects, as well spiritual as temporal of this his Majesty's realm of *Great Britain*, their heirs, successors, executors and administrators, and every of them, and all and singular bodies politick and corporate, and their successors, and all cities, boroughs, shires, stewartries, ridings, hundreds, lathes, rapes, wapentakes,

Declaration of his Majesty's general and free pardon to all persons and places concerned in the late rebellion.

wapentakes, towns, villages, hamlets, and tythings, and every of them, shall be, by the authority of this present parliament, acquitted, pardoned, released, and discharged against the King's majesty, his heirs and successors, and every of them, of, and from all, and all manner of treasons, misprisions of treasons, felonies, treasonable and seditious words, or libels, leasing-making, misprisions of felony, seditious and unlawful meetings, and conventicles, and all offences, whereby any person may be charged with the danger and penalty of *Premunire*; and also of and from all riots, routs, offences, contempts, trespasses, entries, wrongs, deceipts, misdemeanors, forfeitures, penalties, and sums of money, pains of death, pains corporal, and pains pecuniary, and generally of and from all other things, causes, quarrels, suits, judgements, and executions, in this present act hereafter not excepted or foreprized, which may be, or can be by his Majesty in any wise or by any means pardoned, and have been had, made, done, committed, omitted, perpetrated, incurred, or forfeited, before and unto the fifteenth day of *June*, in the year of our Lord one thousand seven hundred and forty seven.

II. And also the King's most excellent majesty is contented, that it be enacted by the authority of this present parliament, and be it enacted by the authority of the same, That this his Majesty's free pardon shall be as good and effectual in law to every of his said subjects, bodies corporate, and others before rehearsed, in, for, and against all things aforesaid, and not hereafter in this present act excepted and foreprized, as the same pardon would have been, if all such offences, contempts, forfeitures, causes, matters, suits, quarrels, judgements, executions, penalties, and other things not hereafter in this act particularly excepted and foreprized, had been particularly, singularly, specially, and plainly named, rehearsed, and specified, and also pardoned by proper and expresse words and names; and that his said subjects, or any of them, the heirs, executors, or administrators of any of them, or the said bodies corporate, and others, before named and rehearsed, or any of them, be not, nor shall be sued, vexed, or unquieted in their bodies, goods, chattels, lands, or tenements, for any matter, cause, contempt, misdemeanor, forfeiture, trespass, offence, or any other thing, suffered, done, or committed, or omitted, before the said fifteenth day of *June*, one thousand seven hundred and forty seven, against his Majesty, his crown, dignity, prerogative, or the laws or statutes of this realm, but only for such causes, matters, and offences, as be rehearsed or mentioned in the exceptions of this present act, to be excepted and foreprized, and for none other; any statute or statutes, laws or customs heretofore had, made, or used to the contrary in any wise notwithstanding.

III. And the King's majesty, of his bounteous liberality, and by the authority of this present parliament, doth grant, and freely give to every of his subjects, every of the said bodies corporate, and others before rehearsed, and every of them, all goods, chattels,

His Majesty's free pardon to extend to all persons and things not particularly excepted.

Penalties and forfeitures remitted.

chattels, debts, fines, issues, profits, amerciaments, forfeitures, and sums of money, by any of them forfeited, which to his Majesty do or shall appertain, by reason of any offence, contempt, trespass, entry, misdemeanor, matter, cause, or quarrel, suffered done, or committed by them, or any of them, before the said fifteenth day of *June*, one thousand seven hundred and forty seven, not hereafter in this present act foreprized and excepted.

Grants of  
forfeitures,  
&c.

IV. Provided nevertheless, and be it enacted, That all grants thereof, or of any part thereof, made by any such as have so forfeited the same, and are hereby restored as aforesaid, and all executions thereof, or of any part thereof, had against any such, after such forfeiture thereof committed or made, shall be of such force and effect, as if no such forfeiture had been had or made, and of no other, the same forfeiture, or any thing in this act before to the contrary notwithstanding.

Persons not  
excepted may  
plead this act,  
without fee.

V. And be it further enacted, That all and every of his Majesty's subjects, and all and singular bodies corporate, and others before rehearsed, may by him or themselves, or by his or their deputy or deputies, or by his or their attorney or attornies, according to the laws of this realm, plead and minister this act of free pardon, for his or their discharge, of or for any thing that is by virtue of this act, pardoned, discharged, given, or granted, without any fee, or any other thing paying to any person or persons for the writing or entering of the judgments, or other cause concerning such plea, writing, or entry, but only sixteen pence to the clerk or officer that shall enter such plea or matter for judgement, or the parties discharge in that behalf; any law, custom, or usage to the contrary notwithstanding.

Clerk's fee for  
entering the  
plea.

His Majesty's  
free pardon to  
be construed  
in the most be-  
neficial sense.

VI. And further the King's majesty is contented and pleased, that it be enacted by the authority aforesaid, That this his Majesty's free pardon, by the general words, clauses, and sentences before rehearsed, shall be reputed, deemed, adjudged, expounded, allowed, and taken, in all manner of courts of his Majesty, and elsewhere, most beneficial and available to all and singular the said subjects, bodies corporate, and others before rehearsed, and to every of them, in all things not in this present act excepted and foreprized, without any ambiguity, question, or other delay whatsoever, to be made, pleaded, objected, or alledged by the King's majesty, his heirs or successors, or by his or any of their general attorney or attornies, advocate or advocates, or by any person or persons for his Majesty, or any of his heirs or successors. Excepted and foreprized out of this act of general and free pardon, all persons being on the said fifteenth day of *June*, in the service of, or any ways employed by the person, who since the death of the late King *James*, hath taken upon himself the stile and title of *King of England*, or *King of Great Britain*, or who have been in the service of, or employed by the King of *Spain*, since the nineteenth day of *December*, in the year one thousand seven hundred and thirty nine, being two months after his Majesty's declaration of war against the said King of *Spain*,

Exceptions.

Persons in the  
service of the  
pretender,

the King of  
Spain,

or

or who have been in the service of, or employed by the *French* and of the King, since the twenty ninth day of *April*, in the year one thousand seven hundred and forty four, being one month after the said *French* King's declaration of war against his Majesty.

. VII. And also excepted out of this pardon, all offences of Persons be-levying the war against his Majesty, which began in this realm, yond the seas, in the year one thousand seven hundred and forty five, by any person or persons who has, or have been, or shall be beyond the seas, at any time between the twentieth day of *July*, one thousand seven hundred and forty five, and the said fifteenth day of *June*, one thousand seven hundred and forty seven.

VIII. And also excepted out of this pardon, all offences of or assisting in conspiring, carrying on, consenting to, assisting, or being concerned in any design or proposal for invading, or procuring an invasion of this realm, by the forces of the *French* King, or rebellion; by any other foreign force, or for raising or carrying on a rebellion within the same, committed by any person or persons who have been, or shall be beyond the seas, at any time between the said twentieth day of *July*, one thousand seven hundred and forty five, and the said fifteenth day of *June*, one thousand seven hundred and forty seven.

IX. And also excepted out of this pardon, all offences of counterfeiting forging and false counterfeiting the great seal, privy seal, sign the great seal, manual, or privy signet, the seal kept and made use of in *Scotland*, sign manual, in things relating to private rights or grants which usually passed the great seal of *Scotland* before the union of the two kingdoms, the privy seal, or signet in *Scotland*; and also all offences of counterfeiting any of the monies current within this realm; or in counterfeiting the great seal, manual, or privy signet, the seal kept and made use of in *Scotland*, sign manual, or signet, &c. in *Scotland*; and also all offences of clipping, washing, scaling, lightening, or other unlawful diminishing any of the said monies, by any ways or means whatsoever, or in making or mending any tool or instrument to be made use of in coining, contrary to the laws and statutes of this realm.

X. And also excepted the offences of bringing into this realm, or in bringing any false or counterfeit money, made or counterfeited out of this in false monies, realm, knowing the same to be counterfeit, and uttering any such false or counterfeit money; and all misprisions and concealments of any of the offences before excepted; and all abetting, aiding, comforting, and procuring of the same offences; and also all offences against an act made in the fifteenth year of his Majesty's reign, intituled, *An act for the more effectual preventing the counterfeiting of the current coin of this kingdom; and the uttering or paying of false or counterfeit coin.* Offences against Geo. 2. c. 28.

XI. And also excepted out of this act of pardon, all violations Violations of the privileges of ambassadors, and other publick ministers of the privileges of foreign ministers.

XII. And also excepted all manner of voluntary murders, petty treasons, wilful poisonings, and all slaughters of forethought felony, done or committed by any person or persons; and also all wilful burning of houses, or stacks of corn, or barns with corn in them, at the time of such burning; and all and

and every the accessories to the same offences, or any of them; and also all offences, of setting fire to any house, barn, or out-house, or to any hovel, cock, mow, or stack of corn, straw, hay, or wood, or of shooting at any person in any dwelling-house, or other place, or sending any letter without any name subscribed thereto, or signed with a fictitious name, demanding money, venison, or other valuable thing, committed or done contrary to an act of parliament made in the ninth year of the reign of his late majesty King George the First, of glorious memory, intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice, or any act made for the continuance thereof.*

9 Geo. 1. c. 23.

#### Piracies.

XIII. And also excepted out of this general pardon, all piracies and robberies committed upon the high seas; and all and every procuring or abetting any such offenders, and comforting and receiving of them, or any of them, and of receiving any goods taken by the way of piracy or robbery upon the seas, as aforesaid.

#### Wilful destroying ships.

XIV. And also excepted all offences made felony in and by an act or acts of parliament made against the wilful casting away, burning, or otherwise destroying any ships or vessels.

#### Offences against 13 Car. 2. c. 9.

XV. And also excepted out of this general pardon, all offences committed or done since the twenty fifth day of *December*, one thousand seven hundred and forty three, against an act made in the thirteenth year of the reign of King Charles the Second, intituled, *An act for the establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea*; or against any acts of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters*, other than the desertion of such offenders, who shall on or before the first day of *November* next return to his Majesty's service in the regiment, troop, or company, to which they did belong at the respective times of such desertion.

#### and against mutiny acts.

#### Robberies.

XVI. And also excepted out of this pardon, all burglaries, and all robberies of churches, and stealing any plate, utensils, or goods belonging to the same; and also all robberies committed on any person or persons in or near the highway.

#### Sodomy.

XVII. And also excepted the detestable and abominable vices of sodomy and buggery.

#### Rapes.

XVIII. And also excepted all rapes and carnal ravishments of women.

#### Perjury.

XIX. And also excepted all offences of perjury and subornation of witnesses, and endeavouring or conspiring to bribe or corrupt any person to give false testimony; and the offences of forging or counterfeiting and solicitation of forging and counterfeiting any fines or other records, deeds, wills, probates of wills, or letters of administration, escripts, or writings whatsoever,

#### Forgery.

soever, or publishing or making use in evidence of any such, knowing the same to be forged.

XX. And also excepted all offences of forging and counter-Forging ex-  
feiting of the bills of credit, commonly called *Exchequer Bills*, chequer bills.  
and the tendering in payment any such forged or counterfeited  
bill of credit, or demanding money thereupon at the exchequer,  
or elsewhere (knowing the bill so tendered, or whereupon the  
money shall be so demanded, to be forged and counterfeited)  
and also all offences of forging and counterfeiting the common seal  
of the corporation of the governor and company of the bank of  
*England*, or of any sealed bank bill, made or given out in the  
name of the said governor and company for the payment of any  
sum of money, or of any bank note whatsoever, signed for the  
said governor and company of the bank of *England*, or the al-  
tering or raising any indorsement on any bank bill or note of  
any sort, exchequer orders, lottery orders, lottery tickets, or  
any indorsement or assignment thereof, or demanding money  
thereupon, or the tendering in payment, uttering, vending,  
exchanging, bartering, or indorsing any forged bank bill or  
bank note, or demanding or receiving any money thereon.

Common seal  
of the bank,  
and bank bills,  
&c.

XXI. And also excepted all offences made felony by an act of  
parliament made in the second year of his Majesty's reign, in-  
titled, *An act for the more effectual preventing and further punish-*  
*ment of forgery, perjury, and subornation of perjury; and to make*  
*it felony to steal bonds, notes, or other securities for payment of mo-*  
*ney; or in and by another act of parliament made in the seventh*  
*year of his Majesty's reign, intituled, An act for the more effectual*  
*preventing the forging the acceptance of bills of exchange, or the num-*  
*bers or principal sums of accountable receipts for notes, bills, or other*  
*securities for payment of money or warrants, or orders for payment*  
*of money, or delivery of goods.*

Offences  
against  
2 Geo. 2. c. 23.  
7 Geo. 2. c. 22.

XXII. And also excepted all offences made felony in and by  
an act made in the eighth year of his late majesty King *George*  
the First, of glorious memory, intituled, *An act to prevent the*  
*mischiefs by forging powers to transfer stocks, or to receive such an-*  
*nuities or dividends as are therein mentioned, or by fraudulently per-*  
*sonating the true owners thereof, and to rectify mistakes of the late*  
*managers for taking subscriptions for increasing the capital stock of*  
*the South Sea company, and in the instruments founded thereupon;*  
or in and by one other act made in the twelfth year of his said  
late Majesty's reign, intituled, *An act for better securing the monies*  
*and effects of the suitors of the court of Chancery, and to prevent*  
*the counterfeiting of East India bonds and indorsements thereon, as*  
*likewise indorsements on South Sea bonds.*

8 Geo 1 c 22.  
12 Geo 1. c. 32.

XXIII. And also excepted all offences made felony by one  
other act made in the fifth year of his said late Majesty's reign,  
intituled, *An act for the better preventing frauds committed by bank-*  
*rupts; or in and by one other act, made in the fifth year of his*  
present Majesty's reign, intituled, *An act to prevent the commit-*  
*ting of frauds by bankrupts.*

5 Geo. 1. c. 14.  
5 Geo. 2. c. 30.

XXIV. And also excepted all offences in unlawfully and ma-  
liciously



Breaking  
banks and set-  
ting on fire  
mines, &c.

liciously breaking or cutting down the bank or banks of any river, or any sea banks, or setting or causing to be set on any mine, pit, or delph of coal, or cannal of coal, made felony by any act or acts of parliament,

Counterfeit-  
ing seamens  
tickets,

XXV. And also excepted the offences of forging and counterfeit-  
ing seamens tickets, or authorizing for receiving any sums of money due to seamen; and the offences of publishing, as true ones, forged or counterfeit tickets, knowing them to be forged or counterfeit; and also all offences in forging, counterfeit-  
ing, or altering any pass, commonly called a *Mediterranean Pass*, and publishing as true any such forged, counterfeit, or altered pass, knowing the same to be forged, counterfeit, or altered.

Contempts  
and misde-  
meanors, &c.

XXVI. And also excepted all offences, contempts, or mis-  
demeanors (not being capital) done contrary to any act of parliament (other than using, or causing to be used, any craft, mystery, or occupation, by any person not brought up therein seven years as an apprentice) or contrary to the laws of this realm, for which any action, bill, plaint, information, indictment, or other prosecution, at any time within two years next before the last day of *Easter* term, in the year one thousand seven hundred and forty seven, hath been, or shall be found, commenced, or sued in any of his Majesty's courts at *Westminster*, or before any commissioners of *Oyer and Terminer*, gaol delivery, justices of assize, or justices of the peace, and on the said last day of *Easter* term, depending and remaining to be prosecuted, on which no outlawry, verdict, conviction, judgment, or decree shall, on the fifteenth day of *June*, one thousand seven hundred and forty seven, be had or obtained, and which have been prosecuted at the charge of any private person or persons, unless the defendant or defendants, in such prosecution or prosecutions, shall pay to such private prosecutor or prosecutors, his or their executors or administrators, such costs as the court, where or before whom such prosecution shall be, shall award to be paid to such private prosecutor or prosecutors in respect of the charges of such prosecution.

Felonies, con-  
tempts, and  
misdemean-  
ors.

XXVII. And also excepted all felonies, contempts, and mis-  
demeanors had, committed, or done, contrary to any act of parliament (other than using, or causing to be used, any craft, mystery, or occupation, by any person or persons not brought up therein seven years as an apprentice) or contrary to the laws of this realm, for which any person hath been, or shall be so far prosecuted, that on or before the last day of *Trinity* term, one thousand seven hundred and forty seven, any verdict hath been, or shall be obtained upon such prosecution, or any outlawry, conviction, judgment by default, or other judgment, sentence, or decree, had, given, or entered in any of his Majesty's courts, or before any commissioners of his Majesty, or any of his royal predecessors, within this realm of *Great Britain*, or by the commissioners of his Majesty, or any of his royal predecessors,

cessors, for the management of the receipt of excise, or other duties under their management, or by justices of the peace.

XXVIII. And also excepted out of this pardon, all offences <sup>9 Geo. 2. c. 35.</sup> and misdemeanors against any act of parliament made in the ninth year of his Majesty's reign, intituled, *An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise, and for enforcing those laws for the future*; and an act of parliament made in the nineteenth year of his Majesty's reign, intituled, *An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and for indemnifying offenders against those laws, upon the terms in this act mentioned; and for the relief of officers of the customs in informations upon seizures*; and all convictions and attainders by virtue thereof, or against any other acts of parliament made for the paying or securing his Majesty's revenues of land-tax, customs, excise, inland duties, or of the post-office, stamp duties, window and house-tax, or other duties, or for the preventing the exportation of wool, or the unlawful importation, landing, re-landing, or exportation of any goods, wares, and merchandizes, or for punishing or bringing to justice offenders against the laws relating to the revenues of customs and excise, and the exportation of wool.

and other acts  
for securing  
the revenues.

XXIX. Provided also, That if any person shall have committed high treason, in levying war against his Majesty, in the rebellion which began in the year of our Lord one thousand seven hundred and forty five, within this realm, who, at the time of such treason committed, or since, was possessed of, or intituled to any civil office for life, or for any estate of inheritance within this realm granted by his Majesty, or any of his predecessors, or claimed by or under such grant, or to any office, place, or employment of and in any city, borough, or town-corporate within this realm, and shall claim to have and enjoy such office, place, or employment, it shall and may be lawful to proceed in due form of law against such person for the said high treason, as if this act had not been made.

Rebels who  
were possessed  
of any civil  
employment,  
&c. for life;  
and shall  
claim the  
same.

XXX. Excepted also out of this pardon, all and every person and persons of the name and clan of *Mac Gregour*, mentioned and intended in and by an act of parliament made in Scotland, in the first parliament of the late King *Charles the first*, intituled, *Anent the clan Gregour*, whatever name or designation he or they may have, or do assume, or commonly pass under.

Persons of the  
name and  
clan of  
MacGregour.

XXXI. And also excepted out of this pardon, all offences concerning any common highways or bridges, and all informations, indictments, and other proceedings thereon, and all issues returned upon any process concerning the same.

Offences con-  
cerning the  
highways, &c.

XXXII. And also excepted all offences in taking away, imbezilling, or purloining any of the goods, monies, chattles, stores, jewels, armour, munition, stores, naval provisions, shipping, ordnance, and other habiliments of war belonging to the crown.

Imbezilling  
stores.

XXXIII. And also excepted all conditions and covenants, Vol. XIX. N forfeitures by  
and covenant, &c.

and all penalties, titles, and forfeitures of conditions or covenants, accrued or grown to his Majesty, by reason of the breach or non-performance of any covenant or condition whatsoever.

Offences, &c.  
by officers of  
the revenue,

XXXIV. And also excepted out of this act of pardon, all offences, misbehaviours, misdemeanors, or omissions committed, suffered, or done by any officer of the exchequer or revenue, in or concerning the execution of his office, or by colour thereof, and all forfeitures, disabilities, incapacities, and penalties whatsoever, to which any such officer is or may be liable by reason of such offences, misbehaviours, misdemeanors, or omissions, and all suits, proceedings, and prosecutions, had or to be had for or by reason thereof.

by assessors  
and collectors  
of taxes.

XXXV. And also excepted out of this act of pardon, all wilful offences, misbehaviours, or misdemeanors, or omissions committed, suffered, or done by any assessor or assessors, collector or collectors, of any aids or taxes, granted by any act or acts of parliament, in or concerning the execution of their offices, or by colour thereof, and all suits, proceedings, and prosecutions, had or to be had for or by reason thereof.

are Impe-  
dit

XXXVI. And also excepted all titles, suits, and actions of *Quare Impedit*.

Incest, simo-  
ny, dilapidations.

XXXVII. And also excepted all offences of incest, simony, or dilapidations, and all proceedings and sentences thereupon.

First fruits  
and tenths.

XXXVIII. And also excepted out of this pardon all first-fruits and tenths, pensions, procurations, synodals, and other payments out of any ecclesiastical promotion or benefice, and arrears of the same.

Custom and  
excise, &c.

XXXIX. And also excepted out of this pardon, all and every the sums of money and duties, accruing or arising by or from any customs or subsidies, excise, imposition upon wine or other liquors, or commodities, duties upon malt, hops, canles, soap, paper, duties on printing, painting, staining or dying silks, calicoes, linens, and stuffs, duties on starch, duties upon gilt and silver wire, duties on salt, duties upon tonnage of ships, duties upon parchment, vellum, and paper, arrears of any land-tax, poll-money, all arrears of rent, and all other sums of money due or owing from any licensed or hackney coachmen, or chairmen, or stage coachmen, duties arising by wine licences, or the post-office, or by or from any other tax, assessment, duty, imposition, debt, or sum of money whatsoever, to the King's Majesty given or belonging, or leviable by any act of parliament, or otherwise due or belonging to the King's Majesty, and all arrears thereof respectively, and all concealments and wrongful detainment thereof respectively, and all penalties, forfeitures, and disabilities arising thereby, or for the nonpayment, concealment, or detaining thereof, and all corruptions and misdemeanors of any officer or minister of, in, or concerning the same, and all accounts and suits whatsoever now depending, or to be had, made, or prosecuted for the same, and all concealments, frauds, and offences, by which his Majesty, or his royal father,

hath

hath or have been deceived, and not truly answered for the same, or any of them.

XL. And also excepted out of this act, all offences committed or done contrary to an act of parliament, made in the fifth year of the reign of his late majesty King George the First, of glorious memory, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions*; or contrary to an act of parliament made in the seventh year of his said late majesty King George the First, of glorious memory, intituled, *An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto, and for further regulating the ports of Dover, Deal, and the isle of Thanet*, and all forfeitures and penalties which any person or persons is, are, or may be liable to, by reason of any of the offences committed against either of the said acts, or contrary to any other acts of parliament made for the ascertaining, securing, or improving the trade of the *East India* company to and in the *East Indies*. 5 Geo. I. c. 21.

XLI. And also excepted all offences committed by any person or persons in taking or converting to their own use any goods, chattles, rents, or profits of land belonging to the crown, by any title or pretence whatsoever. Converting goods, &c. belonging to the crown.

XLII. And also excepted out of this pardon, all arrears of rent due from any farmer or tacksmen of any part of the publick revenue, and all arrears of fee farm rents and other rents. Arrears of farmers.

XLIII. And also excepted all and singular accounts of all and every collector and collectors, commissioners, treasurers, receivers, or other officers, or other accountant whatsoever, who have received or collected, or are any other way accountable to his Majesty for any the customs, subsidies, impositions, excises, duties, land-taxes, poll-money, rents, or other matters before-mentioned, or for prize goods, or for any other tax, assessment, duty, imposition, debt, sum of money, or other things whatsoever, given to the King's majesty, or liable by act of parliament, or otherwise belonging to his Majesty; and all accounts of every other person whatsoever, that ought to be accountant to the King's majesty, for or in respect of any receipt or other charge, and the heirs, executors, administrators, and sureties of any person that ought to account, for all things touching only the same accounts, and all and singular arrearages of accounts, and all impositions, charges, seizures, suits, demands, and executions, which may or can be had of or for any such account or accounts, or any arrearages of the same. Accounts of officers.

XLIV. And also excepted all recognizances, obligations, and other securities given or entered into by any receiver of any land-tax, or other duties or impositions, or any other sums of money whatsoever, due or payable to his Majesty by act of parliament, or otherwise, or by any reeve, bailiff, collector, or other accountant, in either of the courts of exchequer in *England* or *Scotland*. Sums of money received.

*Scotland*, or given or entered into by any person or persons im-  
powered or permitted by any such receiver, reeve, bailiff, col-  
lector, or other accountant, to have or receive any sum or sums  
of money arising from the land-tax, or other duties or imposi-  
tions, or any other sums of money whatsoever, due or payable to  
his Majesty by act of parliament, or otherwise, and their sureties,  
and their accounts respectively, and all other recognizances  
and obligations whatsoever, with or upon condition to account,  
or for payment of money; and all obligation, or other securities  
given or entered into by any officer or officers of any of the reve-  
nues of his Majesty, or any of his royal predecessors, or their  
sureties, for the true discharge of his or their trusts.

Debts due to  
the crown.

XI.V. And it is hereby declared and enacted, That this act  
shall not extend, or be construed to pardon or discharge any re-  
cognizance or obligation not yet forfeited, nor to pardon or dis-  
charge any forfeited recognizance or obligation, or any other  
forfeiture or penalty, whereof any person or persons who are or  
have been farmers or tacksmen of any part of the publick revenue,  
ought to receive any benefit or advantage; nor to pardon or dis-  
charge any debt due by any recognizance or obligation, or other-  
wise, to any person or persons indebted, to the crown, which  
hath been duly seized in aid of the crown's debt; nor to par-  
don or discharge any debt due by recognizance, obligations,  
condemnation, or otherwise, whereupon any estalment or seizure  
has been at any time heretofore made, upon which estalment or  
seizure any thing is, or at any time since the twenty fourth day  
of *July*, one thousand seven hundred and twenty one, hath been  
answered and paid; nor to pardon or discharge any penalties,  
forfeitures, or sums of money due or accrued to his Majesty by  
reason of any act, statute or statutes, which forfeitures, penalties,  
and sums of money, since the said twenty fourth day of *July*, one  
thousand seven hundred and twenty one, be converted into the  
nature of any debt by judgment, order, or decree, or by the a-  
greement of the offender or offenders, or have been estalled, or  
any seizure made for the same, and upon such seizure or estal-  
ment, any thing answered or paid since the said twenty fourth  
day of *July*, one thousand seven hundred and twenty one; nor  
to extend, or be construed to pardon or discharge any recogniz-  
ance which hath been entered into, and forfeited for or on ac-  
count of any crimes, or other matters, which by this act are ex-  
cepted or foreprized out of this pardon.

Issues and  
fines by the-  
riff, &c.

XLVI And also excepted out of this pardon all issues, fines,  
and amerciaments lost, imposed, or assessed since the said twenty  
fourth day of *July*, one thousand seven hundred and twenty one,  
which have been, or shall be totted, levied, or received by any  
sheriff, under sheriff, bailiff, minister, or other officer, who are  
to account for the year ending at *Michaelmas* now next ensuing,  
at any time before they shall finish such their accounts respec-  
tively.

Post Fines, &c.

XLVII. And also excepted all fines *pro licentia concordandi*,  
commonly called *Post Fines*, and all such issues, fines, and amen-  
claiments,

ciaments, above the sum of six pounds, which have been lost, imposed, or assessed, and have been affected, taxed, set, estreated, or entered, since the said twenty fourth day of July, one thousand seven hundred and twenty one.

XLVIII. And also excepted all such issues, fines, and amerciaments, returned, affected, taxed, set, or entered in any court of record within this realm of *Great Britain*, at any time since the fifteenth day of June, one thousand seven hundred and forty five; and yet nevertheless, all the estreats of such fines, issues, and amerciaments, as be now pardoned by this act, and which be already estreated forth of either of the courts of *Exchequer* of *England* or *Scotland*, and be remaining in the hands of the sheriff, under sheriff, bailiff, or other proper officer for collecting of the same fines, issues, and amerciaments, shall, upon the return of the said estreats, be duly and orderly charged and delivered by scrows into the office of the pipe in the said respective courts of *Exchequer*, as hath been heretofore accustomed in *England*, to the intent that thereupon order may be taken, that his Majesty may be truly answered all such fines, issues, and amerciaments, not by this act pardoned, and which any sheriff, under sheriff, bailiff, or other officer or minister, has received, or ought to answer, by force or colour of any such estreat, process, or precept to him or them made for levying thereof; and yet all and every sheriff and sheriffs, and other accountant, upon his or their petition or petitions, to be made for the allowance of any such fines, issues, or amerciaments, as by this act are pardoned, shall have all and every such his and their petition allowed in his and their account and accounts, without paying any fee or reward to any officer, clerk, or other minister, for the making, entering, and allowing of any such petition or petitions; any usage or custom to the contrary thereof in any wise notwithstanding.

Issues and fines entered in courts of record.

Sheriffs, &c. petitioning, to be allowed the same gratis.

XLIX. Provided always, That this act shall not extend to give or restore any ability or capacity to take, have, hold, or exercise any office, place, authority, or employment, ecclesiastical, civil or military, to any person or persons, who, by virtue or reason of any judgment of any court of justice, were or are made or become incapable or disabled to have, take, hold, or execute the same; but that all and every such person and persons shall remain and continue under all and every the disabilities and incapacities aforesaid; any thing in this present act to the contrary notwithstanding.

Persons disabled by judgment to exercise any office, not restored.

L. Provided, and it is hereby declared, That nothing in this act shall be construed to extend to restore, regrant, or revert, to or in any person, any office, place, or employment, civil or military, or any real or personal estate, which has, or have been, or shall be, on or before the said fifteenth day of June, one thousand seven hundred and forty seven, divested out of such person, by virtue of any judgment, attainder, conviction, or act of parliament.

Persons divested of any estate or employment not restored.

LI. And also excepted out of this pardon all such persons as,

Persons attainted, &c.

of high trea-  
son before  
15 June, 1747.

on or before the ſaid fifteenth day of *June*, in the year one thou-  
ſand ſeven hundred and forty ſeven, are or ſhall be attainted of  
high treaſon, by act of parliament, or judgment, or convicted of  
high treaſon, by verdict, confeſſion, or otherwiſe.

Persons tranſ-  
ported.

LII. And alſo excepted all perſons who have been, or ſhall  
be tranſported into parts beyond the ſeas, on or before the laſt  
day of *Trinity* term, in the year one thouſand ſeven hundred  
and forty ſeven, for any offence.

Treaſons  
againſt  
13 Wil. 3.  
c. 3.

LIII. And alſo excepted out of this pardon, all treaſons con-  
trary to an act of parliament made in the thirteenth year of the  
reign of the late King *William* the Third, of glorious memory,  
intituled, *An act for the attainder of the pretended prince of Wales*  
*of high treaſon*, committed ſince the firſt day of *July*, one thou-  
ſand ſeven hundred and forty two, and before the twentieth day  
of *July* one thouſand ſeven hundred and forty five.

17 Geo. 2.  
c. 39.

LIV. And alſo all treaſons againſt an act of parliament made  
in the ſeventeenth year of his Maſteſty's reign, intituled, *An act*  
*to make it high treaſon to hold correſpondence with the ſons of the pre-*  
*tender to his Maſteſty's crown, and for attainting them of high trea-*  
*ſon, in caſe they ſhall land, or attempt to land, in Great Britain, or*  
*any of the dominions thereto belonging; and for ſuſpending the ope-*  
*ration and effect of a claule in the act of the ſeventh year of the late*  
*Queen Anne, for improving the union of the two kingdoms, relating*  
*to forfeitures for high treaſon, until after the deceaſe of the ſons of the*  
*ſaid pretender*, committed before the ſaid twentieth day of *July*,  
one thouſand ſeven hundred and forty five.

Persons con-  
cerned in pro-  
curing an in-  
vaſion.

LV. Alſo excepted out of this pardon, all offences of high  
treafon and miſpriſon of high treaſon, committed at any time  
or times whatſoever by any perſon or perſons, who, after the  
ſaid firſt day of *July*, one thouſand ſeven hundred and forty two,  
and before the ſaid twentieth day of *July*, one thouſand ſeven  
hundred and forty five, hath or have conſpired, carried on,  
conſented to, aſſiſted, or been concerned in any deſign or pro-  
poſal for invading, or procuring an invaſion of this realm, by  
the forces of the *French* King, or any other foreign force, or  
for raiſing or carrying on a rebellion within the ſame.

Offences com-  
mitted by po-  
piſh prieſts  
againſt 27  
Eliz. c. 2.

LVI. And alſo excepted out of this pardon, all and every of-  
fence and offences committed or done by any jeſuit, ſemi-  
nary or other *Romiſh* prieſt whatſoever, contrary to the tenor  
or effect of the ſtatute, made in the twenty ſeventh year of the  
reign of the late Queen *Elizabeth*, intituled, *An act againſt je-*  
*ſuits, ſeminary prieſts, and other ſuch like diſobedient perſons*, and  
all outlawries, proceedings, judgements, and executions for the  
ſame offences, or any of them, and except all convictions of  
popiſh recusants for their recuſancy, and the conſequences there-  
of; and all forfeitures of eſtates, real and perſonal, given for  
ſupporting ſuperſtitious uſes, mentioned in an act of the firſt  
year of the reign of his late maſteſty King *George* the Firſt, of  
glorious memory, intituled, *An act for appointing commiſſioners to*  
*enquire of the eſtates of certain traitors, and of popiſh recusants, and*  
*of eſtates given to ſuperſtitious uſes, in order to raiſe money out of*  
*them ſeverally for the uſe of the publick*.

1 Geo. 1

LVIII. And

LVII. And also excepted all offences contrary to an act of parliament, made in the first year of the reign of his said late majesty King George the First, intituled, *An act to oblige papists to register their names and real estates.*

LVIII. And also excepted all contempts in causes depending on or before the twentieth day of *June*, in the year one thousand seven hundred and forty seven, in any court of law or equity, or for non-performance of awards, or for non-payment of costs, given or awarded by such courts on or before the said fiftenth day of *June*, in the year one thousand seven hundred and forty seven, and all proceedings upon such contempts and securities taken thereon, and all usurpations and fixtures of franchises or offices, for which any prosecution hath been commenced or begun since the said twentieth day of *July*, one thousand seven hundred and forty five, and is on the said fiftenth day of *June* depending and remaining to be prosecuted.

Contempts in courts of law, or equity, or non performance of awards, &c.

LIX. And also excepted all contempts in any ecclesiastical court, and such causes only that have been commenced for matters of right, and not for correction, and also all contempts in any court of admiralty, proceeding civilly and not criminally.

Contempts in ecclesiastical and admiralty courts.

LX. And also excepted out of this act of pardon, *Charles* earl of *Trujuan*, *Alexander* earl of *Kellie*, *Robert* Ma carty, styling himself earl of *Clancarty*, *Sir James Stewart*, baronet of *Good Trees*, *Sir John Douglas* baronet, *Sir James Hamilton* baronet, *Sir James Campbell* baronet of *Auchmoreck*, otherwise *Adinbreck*, *Sir William Dunbar*, baronet of *Durn*, *Sir Alexander Bannerman* of *Elfish*, baronet, *Archibald Stewart*, late provost of *Edinburgh*, *Peter Perry* doctor in physick, *Thom Blain* of *Glasgowne*, *Alexander Blair* writer in *Edinburgh*, *Peter Byre*, otherwise *Byrie* of *Touloy*, *James Carnegie* of *Boyleck*, *Charles Cumming* of *Kinnin* and otherwise *Kinninmont*, *William Cumming*, the younger of *Pitloch*, *Roderick Crichton* of *Comar* in *Strathgus*, *Alexander Crichton* of *Driggellon*, *William Drummond* of *Balldhu*, otherwise *Blackhe*, *William Drummond* of *Callender*, *James Fraser* of *Fover*, *Simon Fraser* of *Auchnacly*, *John Fraser*, *Michael Fraser*, *Hugh Fraser* son to *Alexander Fraser* of *Lairdun*, *James Herderson*, of *Balnain*, otherwise *Balnairn*, *John Innes* of *Dunack* the younger, *John Dow Fraser* of *Littie Garth*, *John Fraser* of *Brownish*, late steward to lord Lovat, *Thomas Fraser* of *Gartlog*, *Alexander Garrison* of *Marqu*, *Andrew Gordon* of *Carnoustie*, *George Gordon* of *Hawhead*, otherwise *Heit*, *John Gordon* of *Avackie*, otherwise *Abackie*, *James Gordon* of *Gchardie*, otherwise *Cobarnie*, *Francis Gordon* of *Ball of Kincardine*, *Robert Gordon* of *Legie* the younger, *James Gordon* of *Glasgowne*, otherwise *Glasgowne*, *Robert Graham* of *Garrick*, *Patrick Grant* of *Glenmorison*, *John Graham* of *Kilmarnock*, *Daniel Hunter* of *Burnside*, otherwise *Burnside*, *John Hallen*, otherwise *Hallane*, otherwise *Hallon*, of *Lanrick*, *Alexander Hilden*, otherwise *Haldare*, otherwise *Hillan*, son to the said *John*, *Andrew Hay*, the younger of *Renno*, otherwise *Ranas*, *Alexander Irvine* of *Drum*, *George Kelly*, formerly *Lislonne*, otherwise *Livingston*, late postmaster of *Falkirk*, &c.

Names of persons excepted.



otherwise Col *M<sup>r</sup> Donald of Barisdale*, *Gregor M<sup>r</sup> Gregor*, otherwise *James Greeme*, otherwise *Graham of Glengyle*; *Malcolm M<sup>r</sup> Leod of Rasa*, *Archibald Menzies*, of *Seyan*, otherwise *Shien*; *Gilbert Menzies junior of Pitsaddles*; *Thomas Mercer* merchant in *Aberdeen*, *William Moir of Lonemay*, otherwise *Longmay*, *James Moir of Stonywood*, *Oeneas*, otherwise *Angus M<sup>r</sup> Donald* late banker at *Paris*; *James Mac Donald* brother to *Niar Donald* of *Kinloch Moidart*, *John Murray* late clerk of the customs at *Alloa*, *Donald Mac Donald* of *Inveroy*, *John Mac Donald* the elder of *Gleghary*, *Alexander Mac Donald* of *Glenco*, *Robert Murray* of *Glencarnock*, *Thomas Ogilvie* of *East Mill*, *Alexander Ogilvie* of *Aberries*, *Thomas Ogilvie* of *Coul* merchant in *Dundee*, *John Riddle*, otherwise *Riddel* of *Grange*, *David Robertson* of *Eastlea Bleaton*, *George Robertson* of *Faskelly*, *James Robertson* of *Blairfetty*, *Alexander Robertson* of *Strouan*, *Duncan Robertson* of *Drummachan*, *Donald Smith* merchant in *Aberdeen*, *David Smith* of *Invercransay*, *Daniel Spalding* otherwise *Spaldane*, of *Ashentully*, *James Stirling* of *Craig Barnett*, *Charles Stuart* of *Ballachallan*, *David Stuart* of *Kinnachin*, *Robert Stuart* of *Killibarry*, otherwise *Killybassy*, *John Turner* the younger of *Turner Hall*, *Alexander Thomson*, otherwise *Thompson* of *Fechfield*, otherwise *Fochfield*, otherwise *Fairfield*: *David Tulloch* of *Bugtown*, otherwise *Bugtsun*, *William Vaughan* the younger of *Courtfield*, in the county of *Monmouth*; *Andrew Wauchop*, otherwise *Warcupp*, of *Nidrie*, esquire; and *Alexander White* the younger of *Ardlehill*.

Process of outlawry not to be stayed, unless the defendant put in bail, &c.

LXI. Provided always, and be it enacted by the authority aforesaid, That no process of outlawry, or any proceedings thereon, at the suit of any person plaintiff, shall be, by virtue of this pardon, stayed or avoided, unless the defendant appear, and put in bail, where by law bail is necessary, and take out a writ of *habeas corpus* against the party, at whose suit he was outlawed; and that this pardon be not allowed to discharge any outlawry after judgment, till satisfaction or agreement be made to, or with the party, at whose suit the outlawry was obtained.

General issue.

LXII. And it is further enacted by the authority aforesaid, That every person or persons hereby pardoned, may plead the general issue, without special pleading of this pardon, and give this act of pardon in evidence for his discharge; and that the same shall be thereupon allowed, and advantage thereof had, as fully to all intents and purposes, as if the same had been fully and well pleaded.

Validity of this act.

LXIII. And be it further enacted by the authority aforesaid, That this present pardon shall be of as good force and effect, to pardon and discharge all and singular the premisses above-mentioned, and intended to be pardoned and discharged, as well against such person or persons, bodies politick and corporate, as do or shall claim the same, by or under any letters patents, or lease, or grant by the King's majesty, or any his predecessors, as against the King's Majesty himself.

*Anno viceſimo primo GEORGI II. Regis.*

**A**T the parliament begun and holden at Weſtmiſter, the tenth day of November, Anno Domini one thouſand ſeven hundred and forty ſeven, in the twenty firſt year of the reign of our ſovereign lord George the Second, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. being the firſt ſeſſion of this preſent parliament.

## CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England, and for granting to his Maſteſty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland, for the ſervice of the year one thouſand ſeven hundred and forty eight. EXP.

## CAP. II.

*An act for granting to his Maſteſty a ſubſidy of poundage upon all goods and merchandizes to be imported into this kingdom: and for raiſing a certain ſum of money by annuities and a lottery to be charged on the ſaid ſubſidy; and for repealing ſo much of an act made in the twentieth year of his preſent Maſteſty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of cuſtom or exciſe for the ſame.*

*Moſt gracious Sovereign,*

**W**HE your Maſteſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain* in parliament aſſembled, for the better enabling your Maſteſty to defray the charge of this preſent war, and for other your Maſteſty's moſt neceſſary and important occasions, have given and granted unto your Maſteſty the further ſubſidies, rates, duties, and ſums of money hereafter mentioned; and do humbly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That over and above all ſubſidies of tonnage and poundage, and over and above all additional duties, impositions, and other duties whatſoever, by any other act or acts of parliament, or otherwiſe howſoever already due and payable, or which ought to be paid to his Maſteſty, his heirs or ſucceſſors, for or upon any goods or merchandizes, which, from and after the firſt day of *March*, which ſhall be in the year of our Lord one thouſand ſeven hundred and

Additional  
duty of 12d.  
in the pound  
laid on all  
goods import-  
ed;

and forty seven, shall be imported or brought into the kingdom of Great Britain, one further subsidy of poundage of twelve pence in the pound shall be paid to his Majesty, his heirs or successors, upon all manner of goods or merchandizes to be imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said first day of March, one thousand seven hundred and forty seven, by the importer of such goods or merchandizes, before the landing thereof, according to the several particular rates and values of the same goods and merchandizes, as the same are now particularly and respectively rated and valued, in the respective book of rates referred to by the acts of the twelfth year of the reign of King Charles the Second, and the eleventh year of his late Majesty, or by any other act or acts of parliament; and so after that rate or value, or which do now pay any duty *ad Valorem*.

as valued in  
the book of  
rates 12 Car.  
2. c. 4. and 11  
Geo. 1. c. 7.

Unrated East  
India goods  
to pay 5l. per  
cent. on the  
gross price.

II. And whereas it may happen, that several goods and merchandizes may be imported by the East India company, which are not rated by any act of parliament; be it enacted by the authority aforesaid, That all such unrated goods and merchandizes shall pay the said subsidy of five *per centum* granted by this act on the gross price for which the goods shall be sold at the candle, without any allowance or deduction whatsoever; and that nothing in this act shall in any ways alter the present method of computing the reduced value and duties at present payable upon unrated East India goods, but the same shall be computed as if this present act had never been made; and the subsidy hereby granted shall be paid by the said united East India company, at the same times as the other subsidies on East India goods imported by the said company are now due and payable; any law or custom to the contrary notwithstanding.

Duties how to  
be levied, &c.

III. And be it further enacted by the authority aforesaid, That the subsidy of poundage hereby granted, shall be raised, levied, and collected by the respective officers of his Majesty's customs in this kingdom, under the management and direction of the respective commissioners of the customs for the time being; and shall be brought and paid, or answered, into the receipt of his Majesty's exchequer, for the purposes in this act mentioned (such additional charge as shall be necessary for the management of this revenue only excepted) and that all and every the clauses, powers, directions, penalties, forfeitures, matters, and things whatsoever contained in the said act of the twelfth year of the reign of King Charles the Second, or in any other laws or statutes whatsoever now in force, for raising, levying, collecting, answering, and paying the subsidy of tonnage and poundage thereby granted, shall be applied, practised, and put into execution, for the raising, levying, securing, collecting, answering, and paying the subsidy of poundage by this act granted, as fully and effectually, to all intents, and purposes, as if all and every the said clauses, powers, directions, penalties and forfeitures, were

wer particularly repeated and again enacted in the body of this present act.

IV. Provided always, That nothing herein contained shall extend, or be construed to extend, to any goods or merchandizes which were or are now allowed by the said act of the twelfth year of the reign of King *Charles* the Second, or any other act or acts of parliament to be imported duty free, nor to any prohibited goods or merchandizes which may be imported by the united *East India* company.

Not to extend to goods imported free nor to prohibited goods imported by the India company.

V. Provided also, and it is the true intent and meaning of this act, That the importers of tobacco shall, upon paying down the subsidy hereby granted, have the same allowance with respect to this subsidy, as they are intitled to by any law now in force upon tobacco imported; but in case the said subsidy hereby granted shall not be paid down as aforesaid, then the said importers shall become bound to his Majesty, his heirs or successors, with one or more sufficient sureties, to be approved of by the collector of the port where the tobacco shall be imported, with the consent of the comptroller of such port, in one or more bond or bonds, at the election of the importer, for payment of the said subsidy within eighteen months, to commence at the end of thirty days after the master's report of the ship, or to commence from the merchant's entry of the goods within those thirty days, which shall first happen; any thing herein contained to the contrary thereof in any wise notwithstanding.

Allowance to the importer of tobacco.

Bond to be given on non-payment of the duty.

VI. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in all cases where any goods or merchandizes, that have paid the subsidy hereby granted, shall at any time or times be again exported by any merchant or merchants, within three years from the importation thereof, the subsidy by this act granted, and which shall have been actually paid for such goods, wares, or merchandizes, shall without any delay or reward, be repaid unto such merchant or merchants, who shall export the same, or the security vacated; except for such goods or merchandizes, as by any former act or acts of parliament it is declared no drawback shall be paid or allowed upon exportation, and except as is herein after excepted in relation to prize goods.

Drawback allowed upon exportation within 3 years

Exception.

VII. And be it further enacted by the authority aforesaid, That for every hundred weight of sugar imported into *Great Britain*, after the said first day of *March*, one thousand seven hundred and forty seven, and refined there (and so in proportion for a greater or lesser quantity) that shall be exported out of this kingdom, after the said first day of *March*, one thousand seven hundred and forty seven, during the continuance of this act, there shall be repaid at the custom house to the exporter, within thirty days after the demand thereof, the sum of three shillings, over and above the present bounties; oath being first made by the refiner, that the sugar so exported, was produced from brown and muscovada sugar, charged by this act, and that as he verily believes the same was imported from his Majesty's plan-

Drawback on 3s per hundred weight on sugar refined in Great Britain, and exported, &c.

plantations in *America*, and the duty duly paid at the time of the importation thereof, the exporter making oath, that the same was duly exported, and his Majesty's searcher also certifying the shipping thereof, and all other requisites being performed according to the respective books of rates.

Part of 20  
Geo. 2. c. 45.  
repealed.

VIII. *And whereas by an act of parliament made and passed in the twentieth year of his Majesty's reign (intituled An act to continue several laws relating to the manufactures of sail cloth and silk ; to give further time for the payment of duties, omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payment of the said duties ; and declaring that prize ships lawfully condemned, shall be deemed, British built ships : and for allowing prize goods to be landed and secured in proper warehouses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption) it was amongst other things enacted, That all goods and merchandizes that then had been or should, during the continuance of the present war with France or Spain, be taken from his Majesty's enemies, and landed from any ship or vessel, in any port within the kingdom of Great Britain, after being subject to the several rules and restrictions prescribed and mentioned in the said act, might be exported again to foreign parts, by the captains or other owners thereof, without being liable to or paying any duty of custom or excise for the same, as by the said act, relation being thereunto had, will more fully and at large appear : be it therefore enacted by the authority aforesaid, That so much of the said act as relates to the nonpayment of the said duties of custom or excise on prize goods or merchandizes lodged in warehouses, and so exported as aforesaid, shall, from and after the first day of *March*, one thousand seven hundred and forty seven, be, and is hereby repealed and made void ; and that the subsidy hereby granted shall not be drawn back, on the exportation of any prize goods or merchandizes taken by any of his Majesty's ships or vessels of war : any thing in the said recited act, or any other act or acts of parliament to the contrary notwithstanding.*

No drawback  
allowed on  
exportation of  
prize goods.

Books to be  
kept for enter-  
ing the mo-  
nies coming in  
by this act.

IX. *And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of exchequer at Westminster, a book or books, in which all the monies hereby appointed to be paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable there to his Majesty, his heirs or successors, upon any account whatsoever ; and the said money so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes hereinafter mentioned.*

Appropriati-  
on of the du-  
ties.

X. *And be it further enacted by the authority aforesaid, That all and every the annuities which by this act shall be granted and made payable, in respect of the principal sum of six millions three hundred thousand pounds, to be raised in manner and form as is herein after directed ; as also the additional capital of ten pounds in lottery tickets, herein after directed to be added*

to every one hundred pounds, advanced towards raising the said sum of six millions three hundred thousand pounds, until redemption thereof by parliament, shall be charged and chargeable upon, and payable out of the several subsidies, rates, and duties by this act granted to his Majesty; and the said several subsidies, rates, and duties shall be, and are hereby appropriated for that purpose accordingly.

*XI. And whereas several persons, natives and foreigners, bodies politick and corporate, have subscribed and agreed to advance the said sum of six millions three hundred thousand pounds, for the publick service, for the purchase of annuities after the rate of four pounds per centum per annum; and the said subscribers or contributors have, in pursuance of a resolution of the commons of Great Britain in parliament assembled, deposited with and paid to the first or chief cashier or cashiers of the governor and company of the bank of England for the time being, the sum of ten pounds per centum in part of the principal sums by them respectively subscribed as aforesaid; and have also paid to the said cashier or cashiers the further sum of ten pounds per centum, on or before the twenty eighth day of January, one thousand seven hundred and forty seven; and have also advanced and paid several other sums of money to the said cashier or cashiers, by virtue and in pursuance of the said resolutions, in further part of the said sum of six millions three hundred thousand pounds, and are desirous to pay the remaining principal sums by them subscribed as aforesaid, at such times, and in such manner, as are herein after appointed in that behalf; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and*

*every such contributor or contributors, who have already deposited with, or paid to the said cashier or cashiers of the said governor and company of the bank of England, the said two several and respective sums of ten pounds per centum, or other sums of money, in part of the said sum of six millions three hundred thousand pounds as aforesaid, to advance and pay unto the said cashier or cashiers, at or before the respective days or times, and in the proportions herein after by this act limited in that behalf, the remaining principal sums by them subscribed towards the said sum of six millions three hundred thousand pounds, for the purchase of any certain annuity or annuities, to commence from the feast of Saint Michael the archangel, which shall be in the year of our Lord one thousand seven hundred and forty eight, and to be paid and payable to such contributor or contributors, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, in manner herein after mentioned; which annuities before mentioned shall be computed at the rate of four pounds per centum for every one hundred pounds, and proportionably for any greater or less sum so to be advanced and paid; and the remaining purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid unto the said cashier or cashiers aforesaid, at or before the respective days or times herein after limited, that is to say, The sum of ten pounds per*

*Contributors who have paid two tenths to pay in the remainder in the proportions limited.*

*Annuities to commence from Michaelmas 1748,*

*at 4 l. per cent.*

*centum,*

Times of advancing the sums.

First payment  
25 March,  
1749.

Cashier of the  
bank to give  
receipts.

The receipts  
to be assign-  
able.

Cashier to give  
security.

Cashier to give  
notes for de-

*centum*, part thereof, on or before the twenty seventh day of *February*, one thousand seven hundred and forty seven; the sum of ten pounds *per centum*, other part thereof, on or before the twenty fourth day of *March*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty second day of *April*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty fourth day of *May*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *June*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *July*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty third day of *August*, then next ensuing; and the remaining sum of ten pounds *per centum*, on or before the twentieth day of *September*, then next following: all which annuities, so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feasts of the annunciation of the blessed virgin *Mary*, and of Saint *Michael* the archangel, by even and equal portions, or within six days after every of the said feast days; the first payment thereof to be due and payable at the feast of the annunciation of the blessed Virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and forty nine, or within six days after the said feast day: nevertheless the said annuities shall be redeemable according to the purport and true meaning of a proviso or condition herein after mentioned in that behalf, and not otherwise; and the said cashier or cashiers of the said governor and company of the bank of *England* for the time being, is and are hereby authorized and required forthwith to give receipts in writing, signed by himself or themselves, to such contributor or contributors, for all sums of money by them deposited with, or paid unto such cashier or cashiers before the passing of this act; as also for such other sum or sums of money as shall hereafter be advanced or paid to him or them by any such contributors or payers thereof; which receipts shall be assignable by indorsement thereupon made, at any time before the twentieth day of *September*, one thousand seven hundred and forty eight, and no longer; and the said cashier or cashiers are hereby required to give security to the good liking of any three or more of the commissioners of the treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, all the monies which he or they have already received by way of deposit, or otherwise, or shall hereafter receive, from time to time, of or for the said sum not exceeding six millions three hundred thousand pounds, as fast as he or they shall receive the same, or any part thereof, and to account for all the monies so to be advanced and paid to him or them, in his Majesty's court of exchequer, according to the due course thereof.

XII. And be it enacted by the authority aforesaid, That the said cashier or cashiers shall, and they are hereby authorized and required

required to give a note or writing, signed by him or them, to the contributor or contributors, obliging himself or themselves to deliver to such contributor or contributors, or their assigns, a ticket in the lottery herein after mentioned, of the value of ten pounds, by way of additional capital, for every one hundred pounds by them respectively subscribed towards raising the said sum of six millions three hundred thousand pounds, for the purposes aforesaid, as soon as the managers and directors, to be appointed for preparing and delivering out the said tickets in the said lottery, shall deliver to the said cashier or cashiers the books comprehending the said tickets; which said additional capital in tickets, as aforesaid, amounting in the whole to the sum of six hundred and thirty thousand pounds, shall be attended with annuities after the rate of four pounds *per centum* which is to *carry 4 l. per cent interest.*  
*per annum*, and shall be charged upon, and paid out of the said several subsidies, rates, and duties by this act granted, at the same half-yearly feast days, and in the same manner, as the annuities herebefore made payable, in respect of the said principal sum of six millions three hundred thousand pounds, are to be paid and payable, and subject also to the same proviso of redemption as is herein after contained in that behalf; and the said notes or writings, to be signed and delivered by the said cashier or cashiers to the said contributor or contributors, as aforesaid, shall be assignable by endorsement thereupon, made at any time before the said twentieth day of *September*, one thousand seven hundred and forty eight, and no longer.

XIII. And be it further enacted by the authority aforesaid, That the said cashier or cashiers shall, and they are hereby authorized and required to pay into the said receipt of exchequer, not only all such sum and sums of money, as have already been deposited with, or paid to them, by the said contributor or contributors, towards raising the said sum of six millions three hundred thousand pounds, but also all such further sum or sums of money as shall be hereafter paid into their hands, at the respective days or times herein before limited and appointed for payment thereof, as fast as he or they shall receive the same; and that it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, from time to time, to issue and apply all such sum or sums of money as shall be so paid into the said receipt, by the said cashier or cashiers, towards the said sum of six millions three hundred thousand pounds, to such services as shall then have been voted by the said commons of *Great Britain* in this session of parliament. *Cashier to pay the monies into the exchequer.* *Treasury to apply the money to the services voted by parliament.*

XIV. And it is hereby enacted, That in the office of the accountant general of the governor and company of the bank of *England* for the time being, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be the contributors for such annuities, after the rate of four pounds *per centum per annum* as aforesaid, and of all Contributors names, &c. to be entered in the office of the accountant general of the bank. *all*



Duplicate to  
be transmitted  
into the audi-  
tor's office.

The monies  
appropriated  
to payment of  
the annuities,

free from  
taxes.

Contributors  
to be allowed  
5 l. per cent.

all persons by whose hands the said contributors shall pay of the said sums upon this act, and also the sums so paid, it shall and may be lawful for the said respective contributors, their executors, administrators, successors, and assigns, from time to time, and at all seasonable times, to have resort to, and inspect the said book or books without any fee or charge; and the said accomptant general for the time being, shall, on or before the twenty fourth day of *June*, one thousand seven hundred and fifty, transmit an attested duplicate fairly written on paper, of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

XV. And it is hereby enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the whole consideration or purchase money, at the rate aforesaid, at or before the respective days and times in this act limited in that behalf, for such annuity or annuities as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled by virtue of this act, to have, receive, and enjoy, the respective annuity and annuities so to be purchased, together with the annuity or annuities made payable by this act, in respect to the said additional capital as aforesaid, out of the monies by this act appropriated or appointed for payment thereof as aforesaid, and shall have good and sure estates and interests therein for ever, subject only to the proviso or condition of redemption, in this act afterwards contained concerning the same; and that all the several and respective annuities, payable in pursuance of this act, after the rate of four pounds *per centum per annum*, on all and every the principal sums for which the same are payable, shall be free from all taxes, charges, and impositions whatsoever.

XVI. And it is hereby provided and enacted by the authority aforesaid, That all and every person and persons who shall become interested in, or intitled unto any annuity or annuities, part of the said sum of six millions three hundred thousand pounds subscribed for in pursuance of this act, who shall, before the passing of this act, have advanced or paid, or shall hereafter advance and pay to the said cashier or cashiers, the whole, or any part of the remaining purchase-money, payable in respect thereof, at or before any of the respective days or times herein limited or appointed for payment thereof, such person or persons shall be allowed interest after the rate of five pounds *per centum per annum*, for all and every such sum and sums of money as shall be so advanced and paid to such cashier or cashiers, by any such contributors as aforesaid, to be computed from the day on which such actual payment shall have been made, to *Michaelmas*, one thousand seven hundred and forty eight; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and required to cause the said interest

It is to be paid upon such respective sums, as shall be so ad-  
vance accordingly, out of the monies to be contributed in pur-  
pursuance of this act; and in case any such person or persons shall  
compleat the payment of the whole purchase money, payable  
for any such annuities, he, she, or they shall have such respec-  
tive sums, as they shall become interested in, or intitled unto,  
forthwith placed to the credit of the said contributors, and made  
transferrable in the books of the bank of *England*, by this act  
appointed to be kept for that purpose.

The annuities  
to be transfer-  
able at the  
bank.

XVII. Provided, That in case any such contributors as a-  
foresaid, who have already deposited with, or paid to the said  
cashier or cashiers any sum or sums of money at the times, and  
in the manner before-mentioned, in part of his, her, or their  
purchase-money, or his, her, or their executors, administrators,  
successors, or assigns, do not advance and pay to the said cashier  
or cashiers the sum of ten pounds *per centum*, in further part of  
his, her, or their consideration-money, so to be paid for such  
respective annuity or annuities as aforesaid, on or before the  
twenty seventh day of *February*, one thousand seven hundred  
and forty seven; and the sum of ten pounds *per centum*, other  
part thereof, on or before the twenty fourth day of *March* then  
next ensuing; and the sum of ten pounds *per centum*, other part  
thereof, on or before the twenty second day of *April* then next  
ensuing; and the sum of ten pounds *per centum*, other part  
thereof, on or before the twenty fourth day of *May* then next  
ensuing; and the sum of ten pounds *per centum*, other part  
thereof, on or before the twenty first day of *June* then next en-  
suing; and the sum of ten pounds *per centum*, other part thereof,  
on or before the twenty first day of *July* then next ensuing;  
and the sum of ten pounds *per centum*, other part thereof, on  
or before the twenty third day of *August* then next ensuing;  
and the remaining sum of ten pounds *per centum*, on or before  
the twentieth day of *September* then next following; then, and  
in every such case respectively, so much of the consideration-  
money as shall have been actually paid in part thereof only, to  
the said cashier or cashiers, for such respective annuity, shall be  
forfeited for the benefit of the publick; any thing in this act  
contained to the contrary notwithstanding.

Contributors  
who have paid  
part, and not  
making good  
the whole,

to forfeit what  
has been paid  
in.

XVIII. And whereas it is intended, That every contributor of the  
sum of one hundred pounds, towards raising the said sum of six mil-  
lions three hundred thousand pounds, shall have and be intitled unto  
an additional capital of ten pounds in a lottery ticket; which tickets  
are to be prepared, and the lottery to be drawn, in manner herein af-  
ter mentioned; be it therefore further enacted by the authority  
aforesaid, That such persons as the commissioners of his Ma-  
jesty's treasury, or any three or more of them now being, or  
the high treasurer, or any three or more of the commissioners  
of the treasury for the time being, shall nominate or appoint,  
shall be managers and directors for preparing and delivering out  
tickets, and to oversee the drawing of lots, and to order, do,  
and perform such other matters and things as are hereafter in

Treasury to  
appoint mana-  
gers of the  
lottery.

Managers to meet together for executing their powers.

Method of the lottery books.

and by this act directed and appointed by such managers, directors to be done and performed; and that such managers and directors shall meet together, from time to time, at some publick office or place for the execution of the powers and trusts in them reposed by this act; and that the said managers or directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed sixty three thousand tickets, &c.

Eight thousand seven hundred and fifty tickets shall be fortunate, three of them ten thousand pounds principal, four five thousand pounds, seven two thousand pounds, nineteen one thousand pounds, thirty nine five hundred pounds, one hundred and seventy one hundred pounds, four hundred and forty two fifty pounds, eight thousand and sixty five twenty pounds; which sums, with five hundred pounds to the first drawn ticket, and one thousand pounds to the last drawn, will amount to three hundred and four thousand and five hundred pounds, which being added to three hundred twenty five thousand and five hundred pounds, the principal payable on the remaining fifty four thousand two hundred and fifty blank tickets, six pounds each, amount to six hundred and thirty thousand pounds; to be converted into annuities in respect of the lottery. Time and place of drawing the lottery. Prizes to be entered in a book. A list of the prizes to be printed. Counterfeiting of tickets, certificates, or the numbers of them, felony. Persons selling shares in tickets of which they are not possessed to forfeit good. The tickets to be exchanged for certificates. E X P.

Accomptant general to give credit for the sums named in the certificates;

which may be transferred,

and carry 4 per cent. interest.

Certificates to be cancelled, and notes given.

XXXI. And be it further enacted by the authority aforesaid, That the said accomptant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named, in the same book or books, to be by him provided and kept for that purpose, for the principal sums contained in every such certificate; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors and administrators shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books, to be prepared and kept by the said accomptant general for that purpose; and the principal sums so assigned or transferred, shall carry the said annuity of four pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by this act according to the powers and authorities herein after mentioned, until the redemption thereof as aforesaid; and the said Accomptant general of the bank of *England* for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him, and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

XXXII. And

XXXII. And for the more easy and sure payment of the several and respective annuities, amounting to six millions three hundred thousand pounds, by this act authorized to be purchased as aforesaid, as also of the several annuities payable in respect of the said additional capital, by way of lottery as aforesaid; it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be redeemed according to this act, appoint and employ one or more sufficient person or persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accountant general, and that so much of the monies, from time to time arising into the said receipt of the exchequer, for the said subsidies, rates, and duties by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments directed to be paid and discharged out of the same, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, from time to time, at the respective half yearly feast days, or days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors for the time being, by way of imprest, and upon account for the payment as well of the said several and respective annuities to be purchased upon this act, as of the annuities payable in respect of the said additional capital by way of lottery, at such times, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier or cashiers, to whom the said monies shall from time to time be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

Cashier and  
accountant  
general to be  
appointed.

Monies for  
payment of the  
annuities to  
be issued from  
the exche-  
quer, &c.

XXXIII. And it is hereby also enacted, That the said accountant general for the time being, shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said several and respective annuities, after the rate of four pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of *London*, or

Accountant  
general to in-  
spect the ca-  
shiers re-  
ceipts.

Annuities to  
be a personal  
estate, &c.

otherwise; any law, statute, or custom to the contrary notwithstanding.

The monies contributed to be a joint stock, &c.

and transferable.

Book to be kept for transfers,

to be signed by the parties transferring and accepting.

Annuities devisable by will, &c.

The bank to continue company till redemption of the annuities,

XXXIV. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed, or to which any person or persons shall become entitled to upon this act, for or towards the said sum not exceeding six millions three hundred thousand pounds, together with the additional capital by way of lottery, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become entitled as aforesaid, upon this act, shall have, and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept at all seasonable times, in the office of the said accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuities attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

XXXV. Provided always, That any person or persons possessed of such stock, with the annuity or annuities attending the same, or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that such devisee shall receive no payment thereupon, till so much of the said will, as relates to the said stock or annuity, be entered in the said office; and in default of such transfer or devise, the said stock and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

XXXVI. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors (notwithstanding the redemption of all or any their own funds, in pursuance of the acts for

for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the said governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

XXXVII. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatsoever, shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer, of any sum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record at Westminster.

No fee for payment of contribution-money, or for transfers.

Penalty.

XXXVIII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized out of the said several subsidies, rates, and duties by this act granted and appropriated as aforesaid, to discharge all such incident charges, as shall necessarily attend the execution of this act, in such manner, as to them shall seem just and reasonable; and also to settle and appoint such allowances, out of the contributions to the annuities granted by this act as aforesaid, as they shall think just and reasonable, for the service, pains, and labour of the cashier or cashiers of the governor and company of the bank of England, for receiving and accounting for the said contributions; and also such further allowances (out of the said subsidies, rates, and duties by this act appropriated) as they shall think just and reasonable, for receiving, paying, and accounting for, the several and respective annuities, payable in respect thereof; and also for the service, pains, and labour of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act; and which allowances hereby impowered to be made as aforesaid, in respect of the service, pains, and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

They may to pay the charges of this act out of the duties.

and appoint salaries for the cashiers and other officers.

XXXIX. And it is hereby enacted by the authority aforesaid, That if at any time or times the produce of the said several subsidies, rates, and duties shall happen to be so low or deficient as that the monies arising therefrom into the exchequer, shall

in deficiencies to be made good.

shall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of the overplus monies, that shall or may happen to arise and be paid into the exchequer in any of the subsequent half years, as the said respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case, the deficiencies so from time to time happening, shall, from time to time, be answered and made good by and out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after such deficiencies shall happen, then the same shall be made good out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, or overplus monies, commonly called *The sinking fund*, (except such monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be from time to time issued and applied accordingly; and if at any time or times before any monies of the said subsidies, rates, and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities aforesaid, which shall be actually incurred and grown due at any of the said half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said sinking fund (except as before excepted) and be issued accordingly.

Sinking fund  
to be replaced.

XL. Provided always, and be it enacted by the authority aforesaid, That whatsoever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies, to be then after granted in parliament.

Surplus monies  
how to be applied.

XLI. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said several subsidies, rates, and duties, after the said several and respective annuities, and other payments or charges by this act directed to be paid thereout, and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by any future act or acts of parliament; any thing in this, or any former or other act or acts of parliament notwithstanding.

Clause of redemption

XLII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice to be printed

printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half-yearly feast days, for payment of the said several and respective annuities, and upon repayment by parliament, of the principal sum of six millions three hundred thousand pounds, and also upon payment of the said additional capital of six hundred and thirty thousand pounds, amounting together to the principal sum of six millions nine hundred and thirty thousand pounds, for which the said respective annuities are payable to such respective persons or corporations, as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said several subsidies, rates, and duties by this act granted as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this, or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* of *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XLIII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be sued, molested, and prosecuted for any thing done by virtue or in pursuance of this act, or any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given him or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

General issue.

Treble costs.

### C A P. III.

*An act to revive and make perpetual two acts of parliament, one made in the twelfth year of the reign of his late majesty King George the First, intituled, An act to prevent frivolous and vexatious arrests; and the other made in the fifth year of his present Majesty's reign, to explain, amend, and render more effectual the said act.*

WHEREAS great benefit hath accrued to this kingdom by an act of parliament, passed in the twelfth year of the reign of his late majesty King George the First, intituled, An act to prevent frivolous and vexatious arrests, which was to continue in force from the twenty fourth day of June, one thousand seven hundred and twenty six, for the term of five years, and from thence to the end of the then next session of parliament; and which by another act made in the fifth year of his present Majesty's reign, was explained, amend-

12 Geo. 1. c. 29.

5 Geo. 2. c. 27.



amended, and rendered more effectual, and further continued for the term of seven years, and from thence to the end of the then next session of parliament; which said act, as amended and explained, was, by a clause in an act made in the thirtieth year of the reign of his present Majesty, continued until the first day of June, one thousand seven hundred and forty seven; which said act so passed in the twelfth year of his said late Majesty's reign, and also the said act for explaining and amending the same, passed in the fifth year of his present Majesty's reign, are now expired; but it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the said act passed in the twelfth year of his late Majesty's reign, together with the said act which passed in the fifth year of his present Majesty's reign, explaining, amending, and rendering more effectual the same, shall be, and are by virtue of this act revived, and shall be in force, from and after the fourteenth day of February, one thousand seven hundred and forty seven, for ever.

The said acts revived, and made perpetual.

#### CAP. IV.

An act to prohibit assurance on ships belonging to France, and on merchandizes or effects laden thereon, during the present war with France.

Assurance on ships or merchandizes belonging to France, prohibited during the present war; and contracts for such policies declared void. 500*l*. penalty on persons making assurance on French ships or effects. Exp.

#### CAP. V.

An act for repairing the high road from the town of Rowes, in the county of York, to Barnard Castle, in the county of Durham, and from thence through Staindrop to Newgate in Bishop Auckland, and from Newgate along Gibb Chair to Gaundless Bridge, and from thence by Melderton Gill, otherwise Conndon Gill, to the turnpike road near Sunderland Bridge, in the county of Durham.

*Certain tolls granted for 21 years, &c.*

#### CAP. VI.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. Exp.

#### CAP. VII.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight. EXP. *At 4*s*. in the pound.*

#### CAP. VIII.

An act for empowering George Montgomerie, and Thomas Byrd, esquires, and W<sup>m</sup> a Patching, to complete an undertaking, for furnishing the inhabitants of the several parishes and places of Stratford, Westham, Broomley, Bow, Mile-End, Stepney, and other parishes and places adjacent with water; and for better securing their property in such undertaking.

#### CAP. IX.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law; and for allowing further time for that purpose. EXP.

Further time to 28 Nov. 1748, allowed to persons who have omitted to qualify themselves. None to be restored to places already avoided by judgement, or filled up.

CAP.

## CAP. X.

*An act for explaining, amending, and further enforcing the execution of an act passed in the laſt ſeſſion of parliament, intituled, An act for repealing ſeveral rates and duties upon houſes, windows, and lights; and for granting to his Maſteſty other rates and duties upon houſes, windows, or lights, and for raiſing the ſum of four millions four hundred thouſand pounds by annuities, to be charged on the ſaid rates or duties.*

WHEREAS by an act of parliament made and paſſed in the twentieth year of the reign of his preſent Maſteſty, (intituled, *An act for repealing the ſeveral rates and duties upon houſes, windows, and lights; and for granting to his Maſteſty other rates and duties upon houſes, windows, or lights; and for raiſing the ſum of four millions four hundred thouſand pounds by annuities, to be charged on the ſaid rates or duties*) it was enacted, *That there ſhould be charged, raiſed, levied, and paid unto his Maſteſty, his heirs and ſucceſſors, the ſeveral rates and duties upon houſes, windows, or lights, in the ſaid act mentioned; and divers provisions were made, and directions given by the ſaid act, for the aſſeſſing, raiſing, collecting, levying, and paying of the ſeveral rates and duties thereby granted: and whereas doubts have ariſen concerning the conſtruction of the ſaid act; and the provisions made thereby for the aſſeſſing, charging, raiſing, and paying of the ſaid rates and duties have proved ineffectual to answer the purpoſes intended by the ſaid act; and the times appointed by the ſaid act for bearing and determining of appeals have been found to be inconvenient: therefore, for the obviating and removing of all doubts, and to the end that the ſaid rates and duties may for the future be rated, aſſeſſed, and raiſed in one uniform and equal manner throughout Great Britain; be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March, one thouſand ſeven hundred and forty eight, every kitchen, ſcullery, buttery, pantry, larder, waſhhouſe, laundry, bakehouſe, brewhouſe, and lodging-room belonging to, or occupied with any dwelling-houſe, whether the ſame ſhall or ſhall not be within, or contiguous to, or diſjoined from the body of ſuch dwelling-houſe, ſhall be deemed and taken to be part of ſuch dwelling-houſe; and all windows or lights therein ſhall be accordingly charged with the rates and duties granted by the ſaid act.*

Windows in houſes contiguous to, or diſjoined from the dwelling-houſe, to be charged.

II. *And whereas doubts have been raiſed, whether ſky-lights, or windows or lights in ſtair-caſes, garrets, cellars, paſſages, and ſome other parts of dwelling-houſes, are chargeable with the ſaid tax, by virtue of the ſaid act; be it declared and enacted by the authority aforeſaid, That ſky-lights, and windows or lights in the ſaid places,*

Sky lights to be charged.

places, and in all other parts of dwelling-houses, to what use or purpose soever applied, were, are, and shall be deemed to be chargeable with the said duties.

Penalty on commissioners acting, who are not qualified.

III. And be it further enacted by the authority aforesaid, That no person who now is, or hereafter shall be named or appointed a commissioner for putting in execution any act of parliament for granting an aid to his Majesty by a land tax to be raised in *Great Britain*, shall act as a commissioner for putting in execution the powers granted by the said act, or this present act, for raising the said duties upon houses, windows, or lights, unless such person shall be duly qualified to act as a commissioner for putting any such act in execution, on pain of forfeiting, for every such acting, the sum of twenty pounds, to be levied as other penalties and forfeitures are by this act directed to be levied.

20 Geo. 2. c. 3 § 8. Power given to the commissioners to enlarge or abate the assessments, repealed.

IV. And be it further enacted by the authority aforesaid, That that part of the said act, whereby the commissioners thereby appointed for putting the same in execution have power to enlarge, alter, abate, or diminish the assessments to be delivered to the said commissioners, before such commissioners shall have set their hands to such respective assessments, testifying their allowance thereof, shall be, and the same is hereby repealed.

Assessments delivered to the commissioners not to be altered, but upon hearing on a general appeal-day.

V. And be it further enacted, That from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, no assessment which shall be made or delivered to the said commissioners, or any three or more of them, pursuant to the said act, or this present act, shall be altered or diminished before the time herein after appointed, or directed to be appointed, for the hearing and determining of appeals, and then only upon the said commissioners hearing the matter of the appeal particularly relating thereto, or concerning the same, upon a general appeal-day.

Surveyors to certify, by way of surcharge, houses and windows omitted in the current year.

VI. And be it further enacted by the authority aforesaid, That the surveyor or surveyors of the rates and duties granted by the said act, appointed or to be appointed, as in the said act is mentioned, shall twice in every year, to wit, on or before the tenth day of *August*, and tenth day of *January* yearly, certify in writing, under his or their hand or hands, by way of surcharge, to any three or more of the said commissioners, what dwelling-houses, windows, or lights have been omitted to be charged with the said rates, and duties in the assessment made of the same, for the then ~~present~~ year; and that thereupon, and upon oath being first made, that notice was left in writing at the dwelling-houses of the several occupiers so charged or surcharged by virtue of such certificate, that the surveyors intended to charge them in such manner, and for such number of windows or lights as they shall be charged for by virtue of such certificate, the said commissioners, or any three or more of them, shall cause such assessments to be rectified according to such certificate, and delivered

Notice to be given to the occupiers, and the commissioners to rectify the assessments.

ed to the collectors; and the said rates and duties to be levied accordingly.

VII. And be it further enacted by the authority aforesaid, That those parts of the said act whereby it is enacted, That the day or days of appeal which should be appointed by the said commissioners, should be within thirty days from the respective quarterly days, by the said act appointed for payment of the said rates and duties, and that all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present, on the day or days by them appointed for hearing appeals, should be final without any further appeal, and that all questions and differences that should arise, touching any of the said rates and duties, should be heard and finally determined by three or more of the commissioners, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble or suit in law, shall be, and the same are hereby repealed; and that from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, all such appeals as shall be made to the said commissioners, between the twenty fifth day of *March*, and the twentieth day of *August* yearly, shall be heard and determined by the said commissioners upon such days as shall by them be appointed for the hearing of such appeals, between the twentieth day of *August*, and the fifteenth day of *September* following; and that all such other appeals as shall be made to the said commissioners, between the twenty ninth day of *September*, and the twentieth day of *January* following yearly, shall be heard and determined by the said commissioners, upon such other days as shall be appointed by the said commissioners for the hearing thereof, between the twentieth day of *January*, and the tenth day of *February* following yearly.

Clauses in the act relating to a certain time for appealing, repealed.  
20 Geo. 2. c. 3. s. 11.

Commissioners to appoint days for appeals.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, or any of them, shall not upon the hearing of any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by the said assessment, or the surcharge of the said surveyor, but the same shall stand good and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by the said assessment, or the said surcharge, and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days notice thereof in writing to the said surveyor, or to one or more of the assessors of the parish wherein such person is rated, of such intention to appeal; and such surveyor and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor and assessors, and appellant, unless they misbehave, shall have full and free liberty to be present during all the time of hearing such respective appeal, and of the said commissioners determining the same.

No abatement to be made, unless it appears on oath that the person is over-rated.

Ten days notice to be given of appeals.

Assessors and appellant to be present.

IX. And be it further enacted by the authority aforesaid, That

Appeals heard  
to be final.

Exception.

Surveyor or  
appellant in  
England dis-  
satisfied,

the commis-  
sioners to state  
the case to be  
transmitted to  
one of the  
judges,

who is to give  
his opinion,  
and the assess-  
ment to be re-  
gulated there-  
by.

Surveyor or  
appellant in  
Scotland dis-  
satisfied, to  
proceed in like  
manner, &c.

Determina-  
tion of the  
commissioners  
to stand with  
respect to pay-  
ments due.

That all appeals once heard and determined by the said com-  
missioners, or any three or more of them, or the major part of  
them then present on the day or days by them appointed for  
hearing of appeals, shall be final, except as is herein after di-  
rected.

X. And be it further enacted by the authority aforesaid, That  
if either the said surveyor, or the person so appealing in that  
part of *Great Britain* called *England*, or in *Wales*, or in *Berwick  
upon Tweed*, shall apprehend the determination made by the said  
commissioners to be contrary to the true intent and meaning of  
this and the said former act, and shall then declare himself dis-  
satisfied with such determination, it shall and may be lawful to  
and for such surveyor, or person respectively, to require the said  
commissioners to state specially and sign the case upon which  
the question arose, together with their determination thereupon;  
which case the said commissioners, or the major part of them  
then present, are hereby required to state and sign accordingly,  
and to cause the same to be delivered to the party making such  
request as aforesaid, to be by him transmitted to one of the justices  
of the court of *King's Bench* or *Common Pleas*, or to one of the  
barons of the coin of the *Exchequer* for the time being; and every  
such justice and baron is hereby required, with all convenient  
speed, to return an answer to such case so transmitted, with his  
opinion thereupon subscribed thereto, according to which opinion  
so certified the assessment which shall have been the cause of such  
appeal shall be altered or confirmed; and that if either the said  
surveyor, or the person so appealing in that part of *Great Bri-  
tain* called *Scotland*, shall apprehend the determination made by  
the said commissioners to be contrary to the true intent and mean-  
ing of this and the said former act, and shall then declare him-  
self dissatisfied with such determination, it shall and may be law-  
ful to and for such surveyor, or person dissatisfied respectively,  
to require the said commissioners, or the major part of them then  
present, to state specially and sign the case upon which the  
question arose, together with their determination thereupon;  
which case the said commissioners are hereby required to state  
and sign accordingly, and to cause the same to be delivered to  
the party making such request as aforesaid, to be by him trans-  
mitted to one of the judges of the court of session, or of the ba-  
rons of the exchequer in *Scotland*; and every such judge and ba-  
ron is hereby required, with all convenient speed, to return an  
answer to such case so transmitted, with his opinion thereupon  
subscribed thereto, according to which opinion so certified the  
assessment which shall have been the cause of such appeal shall  
be altered or confirmed: provided always, That notwithstanding  
any such case so transmitted to any of the said justices, judges,  
or barons, the determination of the said commissioners shall stand  
with respect to the payments which shall become due precedent  
to the opinion certified by any such justice, judge, or baron, up-  
on such case.

XI. And whereas, in order to evade the payment of the duties upon  
windows

*windows or lights, several windows or lights in several dwelling-houses have been fraudulently, and not effectually stopped up; be it therefore enacted by the authority aforesaid, That no window or light shall be deemed to be stopped up, unless such window or light shall be stopped up effectually with stone, or brick, or plaister upon lath, or upon any other materials commonly used to plaister upon, or with the same kind of materials whereof the outside of such dwelling-house doth chiefly consist.*

Regulations concerning the stopping windows.

XII. Provided always, That nothing in this act shall be construed to extend to any windows which were really and *bona fide* stopped up with any materials whatsoever before the making of the said act of the last session of parliament; any thing herein contained to the contrary notwithstanding.

Proviso for windows stopped before the act.

XIII. And be it further enacted by the authority aforesaid, That the payment of any of the rates and duties granted by the said act, by any occupier or occupiers of any dwelling-house or houses in any parish or place, shall not entitle the person or persons so paying such rates or duties to a legal settlement in such parish or place.

None to gain a settlement by payment of these duties.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time hereafter wilfully obstruct or molest any assessor or assessors, surveyor or surveyors, in the due execution of his or their said office or offices, duty or duties respectively, such person or persons shall, for every such offence, forfeit the sum of five pounds, to be levied in such manner as the rates and duties granted by the said act are directed to be levied.

Penalty of obstructing officers.

XV. And be it further enacted, That all fines, penalties, and forfeitures, which shall be levied by warrant under the hands and seals of three or more of the commissioners appointed by the said act, or by this present act, pursuant to the directions of and in the said act, or of this present act (save only and except one moiety of such fines, penalties, and forfeitures, as shall be imposed and levied for and in respect of the opening of any window or light, after the same is stopped up, without giving such notice as is required by the said act, which shall be paid to the person who shall give notice or information of the opening such window or light) shall be respectively paid to the collector or collectors of the parish or place within which the same shall be so levied; and the same shall be respectively added to the respective assessments of the said rates and duties, within, or for such parish or place respectively delivered or to be delivered to the collectors, and also to the duplicates, within, or for the same parish or place, and be given in charge to the respective receivers general, and be paid to them respectively, together with and amongst the said rates and duties, and be paid into the receipt of his Majesty's exchequer.

Fines, &c. levied by warrant to be paid to the collectors; except the moiety due to the informers;

and to be added to the assessments, &c.

XVI. And be it further enacted by the authority aforesaid, That that part of the said act, whereby the commissioners thereby appointed for putting the same in execution, have power of rating and assessing any other commissioners or assessors, who re-

Clause relating to the powers given o commissioners to assess or e an-

side

other repealed. side or dwell in the respective divisions, for which they act for, or  
20 Geo. 2. c. 3 in respect of the said duties on houses, windows, or lights there-  
f. 18. by granted, shall be, and the same is hereby repealed; and that  
Commission- from and after the said twenty fifth day of *March*, one thousand  
ers to be rated seven hundred and forty eight, the several commissioners and  
by the assessor assessors residing in any county, shire, stewartry, or other place,  
sors. shall be assessed for such rates and duties, by the assessors ap-  
pointed for the respective place or places wherein such commis-  
sioners and assessors reside, in the same manner as any other per-  
sons residing there are rated or assessed; any thing in this or the  
said former act to the contrary in any wise notwithstanding.

Commission-  
ers to cause  
arrears to be  
levied.

XVII. *And whereas it may happen, that several arrears of the said  
duties upon houses, windows, or lights, granted by the said former  
acts, may from time to time remain unsatisfied and unpaid, which  
ought to have been levied and paid at the times and in the manner by  
the said acts directed;* be it therefore enacted and declared by the  
authority aforesaid, That in all such cases, it shall and may be  
lawful to and for the respective persons, who are or shall be no-  
minated or appointed commissioners for putting the said former  
and this present act in execution for the time being (being duly  
sworn and qualified as aforesaid in that behalf) or so many of  
them as are thereby impowered to cause the said respective duties  
to be assessed, levied, and paid, to cause the monies, so from  
time to time in arrear and unpaid as aforesaid, to be raised, le-  
vied, and collected by the respective collectors of the several pa-  
rishes or places, shires or boroughs, where such arrears shall  
happen, by the same ways and means, and in the same manner,  
and under the like penalties, as are directed and appointed by  
the said former or this present act, with respect to the raising or  
levying the said duties; and the monies so received by the said  
collectors for any such arrears, shall be paid to the respective  
receivers general where such arrears shall happen, to the end the  
same may be paid into the receipt of his Majesty's exchequer,  
for the purposes in the said acts mentioned.

Windows in  
the inns of  
court how to  
be rated.

XVIII. *And whereas doubts have arisen, in what manner the said  
duties should be rated and paid within the several inns of court and  
chancery,* be it further enacted and declared, That every inhabi-  
tant, or occupier of any chamber in the said inns of court or  
chancery, shall be rated and pay for every window or light in his  
chamber the sum of one shilling.

Persons rent-  
ing chambers,  
any such chamber shall be compelled to pay, or to contribute  
not chargeable towards the payment of the duty of two shillings, charged by  
to the duty of the said act, and made payable by the inhabitant or occupier of  
a dwelling-house inhabited.

XIX. Provided always, That no inhabitant or occupier of  
any such chamber shall be compelled to pay, or to contribute  
towards the payment of the duty of two shillings, charged by  
the said act, and made payable by the inhabitant or occupier of  
a dwelling-house inhabited.

Officers, &c.  
sued, may  
plead the

XX. And be it further enacted by the authority aforesaid, That  
if any action, plaint, suit, or information, shall be brought, com-  
menced, or prosecuted against any commissioner or commissioners,  
assessor or assessors, collector or collectors, surveyor or surveyors,  
or other person or persons, for or concerning any act, matter, or  
thing, that he, they, or any of them, shall do or cause to be done,  
in

in pursuance or execution of the said act, or of this present act, *General issue.* in *England, Wales, or Berwick upon Tweed*, such person or persons so sued in any court whatsoever, shall and may plead the general issue, not guilty, and upon issue joined, may give the said act, and this present act, and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer a discontinuance; or if a verdict pass against him, the defendants shall recover treble costs, for which they shall have the like remedy, as in cases where costs by law *Treble costs.* are given to defendants.

XXI. And whereas it hath been found by experience, that the powers granted by the said act for charging, raising, levying, and collecting of the duties aforesaid upon the windows or lights liable to the same in that part of Great Britain, called Scotland, have been ineffectual; be it further enacted by the authority aforesaid, That the surveyor or surveyors, appointed or to be appointed as by the said act is directed, shall have power, twice in the year, to enter into, and pass through any house or houses, within any city or royal burgh in Scotland, and view the same internally as well as externally, and to view any other house or houses in Scotland externally, and in like manner, as surveyors are empowered to view houses by the said act, for the purposes in the said act mentioned; any thing therein contained to the contrary notwithstanding.

*Power to surveyors in Scotland for viewing of houses.*

XXII. And be it further enacted, That the said rates and duties, by the said act granted as aforesaid, with respect to lights or windows of dwelling-houses in Scotland, liable for the same, shall be paid by the inhabitants or occupiers for the time being, of the respective dwelling-houses in which such lights or windows are contained, his, her, or their heirs or executors respectively, half-yearly, at the days of payment following; that is to say, the twenty ninth day of September, and twenty fifth day of March, by even and equal portions, the first payment thereupon to be made the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and forty eight, for the half year, commencing from the term of Whitsunday, and ending at the term of Martinmas in the said year; and the second payment to be made the twenty fifth day of March aforesaid, which shall be in the year one thousand seven hundred and forty nine, for the half year, commencing from the said term of Martinmas, one thousand seven hundred and forty eight, and ending at the term of Whitsunday, in the year one thousand seven hundred and forty nine, and so on half-yearly thereafter.

*The rates in Scotland to be paid half-yearly.*

XXIII. And be it further enacted, That for the execution of the said act with regard to Scotland, and for the charging, ordering, raising, collecting, levying, and paying of the several rates and duties by the said act granted, and chargeable for or in respect of the windows or lights of any dwelling-house there, all and every the persons named or appointed to be commissioners for putting in execution an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax,*

*Commissioners for the land tax in Scotland, to be commissioners for this act.*



Times and  
places of  
meeting.

tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight, of who shall hereafter be named or appointed commissioners for putting in execution any future act or acts of parliament, for granting an aid to his majesty, his heirs or successors, by a land tax in Great Britain, in and for the several shires, stewartries, cities, or boroughs in Scotland, being duly qualified as aforesaid, shall be commissioners for putting in execution this present act, and the powers therein contained, within and for the respective shires, stewartries, cities, or boroughs within Scotland, for which they severally are or shall be named and appointed commissioners of the land tax as aforesaid; which said commissioners, in order to the speedy execution of this act, shall meet together at the most common or usual place of their meeting as commissioners of the land tax, within their respective shires, stewartries, cities or boroughs, on or before the first Wednesday of July, one thousand seven hundred and forty eight, for charging and ordering the first of the two half yearly payments before-mentioned, and on or before the first Wednesday of January next thereafter, for charging and ordering the second of the said half-yearly payments before-mentioned, and in like manner shall meet yearly and every year on the first Wednesday of each of the said two months of July and January, for the charging and ordering of the payments for the half-year, current at and on the said respective days; and the said commissioners, or so many of them as shall be present at any of the meetings to be held on the said stated days, shall direct their precept or precepts (under the hand of such one of them, as shall, by the major part of those met, be elected preses of the meeting) to such inhabitants of every parish, within their several shires, stewartries, cities, or boroughs, and such number of them as the major part of the commissioners so met shall in their discretion think most convenient to be assessors, to the effect after-mentioned, requiring them to appear before the said commissioners in their said usual place of meeting, at a day to be specified in the said precept or precepts, which shall not exceed ten days, from the stated day of meeting aforesaid; and at and on the day so prefixed, the said commissioners shall again meet, and shall then openly read or cause to be read to the inhabitants of each parish, required to appear as aforesaid, or such of them as shall appear, the several rates and duties in the said act, and openly declare the effect of their charge unto them, and how or in what manner they ought and should make their certificates and assessments according to the several rates aforesaid, and shall then and there administer an oath to the said inhabitants, or such of them as shall be there present, and shall be appointed assessors by the said commissioners, for the due and faithful administration of their said office, and prefix another day, not exceeding fifteen days longer, for the said persons to appear again before the said commissioners, and the said persons shall then appear accordingly, and bring in their certificates in writing under their hands, of every dwelling-house, inhabited and charged by the

Assessors to be  
sworn.

Days to be  
prefixed for  
bringing in  
certificates.

aforesaid act, within the limits of those parishes for which they severally act, and of the number of windows or lights in each house, together with the names of the several occupiers or inhabitants of each respective dwelling-house aforesaid, and of the several sums of money which they ought to pay by virtue of the said act, without concealment or favour, upon pain of forfeiture of any sum, not exceeding five pounds, nor less than forty shillings, sterling money, to be levied as by this act is appointed; and that the said commissioners, or the major part of them, shall be present, shall, upon the day appointed for the first general meeting of the commissioners of shires and stewartries, cities and boroughs, for the land tax, granted for the service of the year, one thousand seven hundred and forty eight, by the act of this present session of parliament before mentioned, and so on such day as shall be appointed for the first general meeting of the said commissioners for the land tax, to be granted for the service of any subsequent year by any future act or acts of parliament, granting an aid to his Majesty by a land tax, elect and chuse some one fit person to be collector of the said rates and duties arising within the shire, stewartry, city, or borough for which the said commissioners are commissioners, and shall take bond with sufficient caution from him, for his due and faithful administration of his said office, and for his duly paying over at *Edinburgh* the rates or duties and other sums to be by him collected by virtue of the said act, or this present act, within forty days after the terms before-mentioned, appointed for payment thereof, unto such person as shall, from time to time, be appointed by his Majesty, or the commissioners of the treasury now or for the time being, or any three or more of them, or by the high treasurer for the time being, to be receiver general of the said rates or duties arising from windows or lights within *Scotland*, under a penalty of one hundred pounds sterling, to be forfeited in case of failure in the due and faithful administration of his office, or in the due payment of the monies to be received by him, which bond the commissioners taking the same, shall be forthwith registered in the books of council and session, and deliver an extract thereof to the receiver general to be appointed as aforesaid, and the said receiver general shall pay so much of the said rates and duties, and sums, as he shall receive from every such collector (with deduction of his own allowance in respect thereof) into the receipt of his Majesty's exchequer at *Windsor*, by half-yearly payments on the several days herein before appointed for payment thereof, or within forty days after.

Collectors to be appointed;

who are to give security.

Penalty.

Bond to be received, and an extract given to the receiver general, &c.

XXIV. And be it further enacted, That the collector to be elected for each shire, stewartry, city, or borough as aforesaid, shall, within the space of six days after delivery of the copy to him aforesaid, of the said assessments for the same, deliver, or cause to be delivered, to some one of the persons who were appointed assessors for each parish, within such shire, stewartry, city, or borough, a copy under his hand, of the said assessment

Collector to give a copy of the assessment to the parish assessor, and an order thereon, &c.

for ſuch pariſh, with an order thereon for ſuch aſſeſſors delivering a note of the ſum aſſeſſed upon or for every dwelling-houſe charged within ſuch pariſh, to ſome perſon within the ſaid dwelling-houſe, in caſe acceſs can be had, or affixing ſuch note on the door of ſuch dwelling-houſe; and the aſſeſſor to whom ſuch copy and order ſhall be delivered, ſhall, within ſix days after receipt thereof, make notification as aforeſaid, thereupon, and return the ſaid copy and order to the collector from whom he received the ſame, with a certificate upon oath before one of the commiſſioners aforeſaid, that he did notify the ſame in the form preſcribed by this act.

Aſſeſſor to re-  
turn the copy,  
&c.

Penalty of not  
paying the  
duties, &c.  
within ten  
days after  
notification.

Commiffion-  
ers to iſſue  
warrants for  
levying the  
duties.

Collectors to  
diftrein,

and make ſale,

For want of  
diftreſs, the  
perſon to be  
committed.

XXV. And be it further enacted, That every perſon and perſons liable to and charged with any of the rates or duties before-mentioned, for or in reſpect of any dwelling houſe in *Scotland*, ſhall be obliged, and is hereby required to make payment of the ſum which ſhall be aſſeſſed upon him, her, or them, to the collector of the ſhire, ſtewartry, city, borough, or pariſh, where ſuch dwelling-houſe lies, at his office, within ſuch city, borough, or pariſh, or within the head burgh of ſuch ſhire or ſtewartry reſpectively, within the ſpace of ten days after notification ſhall have been made to him, her, or them, in the manner herein preſcribed, of ſuch ſum, upon pain of forfeiting treble the ſum, in caſe he or ſhe fail to make the ſaid payment within the ſaid time; and in ſuch caſe, it ſhall and may be lawful to and for any commiſſioner aforeſaid, for any ſhire, ſtewartry, city, or borough, and every ſuch commiſſioner is hereby required, upon the application of the collector of the rates and duties aforeſaid, for ſuch ſhire, ſtewartry, city, or borough, and inſpection had of the aſſeſſors certificate of notification, to iſſue and grant a warrant or warrants under his hand, for the ſaid collectors pouncing or diſtraiuing the goods and effects of any perſon or perſons mentioned in ſuch certificate, and who ſhall not have paid the ſum therein aſſeſſed upon him, her, or them, or any moveable goods or effects, being for the time within the dwelling-houſe, for the windows of which ſuch ſum ſhall happen to be aſſeſſed and due, for payment of the ſaid forfeiture; and the ſaid collector ſhall be, and is hereby impowered to cauſe pound or diſtrain accordingly, and the goods ſo pounced or diſtrained to keep by the ſpace of four days, at the coſts and charges of the owners thereof; and if the ſaid owners do not pay the reſpective ſums of money, for which ſuch warrant of pouncing or diſtreſs was granted, within the ſaid four days, then the ſaid goods ſhall be appraiſed at, and in the place where they are, by two or more perſons, to be called and ſworn for that purpoſe, and ſhall be ſold for payment of the ſaid ſums of money, and the charges of taking and keeping the pound and diſtreſs, and the overplus coming by ſuch ſale (if any be) to be immediately reſtored to the owner; and where no goods ſufficient for payment of the ſaid ſums can or may be found, to be pounced or diſtrained, and the perſon liable, ſhall neglect or reſuſe to pay the ſame, in every ſuch caſe any one of the commiſſioners afore-  
ſaid,

said, shall be, and hereby is authorized and required, by warrant under his hand, to commit such person to the common gaol, there to be kept without bail, until payment shall be made; and in case any such collector in that part of *Great Britain* called *Scotland*, shall not make payment of the said sums to be received by him, in terms of his bond aforesaid, to the receiver general to be appointed as aforesaid, diligence shall and may proceed by harning, arrestment, poinding, denunciation, caption, imprisonment, and otherwise, upon such bond, against such collector and his cautioners, at the suit of the said receiver general, for payment of the whole sums assessed upon the shire, stewartry, city, or borough, for which he is collector, in so far as they have not been paid unto the said receiver general, and of the penalty in such bond, subject to such relief and modification in law or equity, as shall be awarded and granted by the lord chief baron of his Majesty's exchequer in *Scotland*, or by any two of the said barons, upon summary application to be made to them by such collector, and giving notice to, and hearing the said receiver general on behalf of his Majesty.

Collectors not making payment to be sued, &c.

XXVI. And, for obviating doubts which may arise about the charging of windows or lights, and the persons liable in payment of the rates and duties for the same, in *Scotland*, within the meaning of the aforesaid act, and of this present act; be it enacted by the authority aforesaid, That every person and persons occupying any dwelling house in any edifice or land, within any county, stewartry, city, borough, town, or place respectively, within that part of *Great Britain* called *Scotland*, having more than nine windows, whether such dwelling-house be in a separate building, and under a distinct and separate roof, or be part of any edifice, land, or building, and under the same roof with other dwelling-houses, and which dwelling-house any persons shall have been in possession of, at any time after the term of *Whitsunday* or *Martinmas*, immediately preceeding any of the half-yearly days, appointed for the payment of the said rates and duties, shall be deemed and taken to be the occupier or occupiers, and tenant or tenants of such house, to all intents and purposes, as if such dwelling-house was a separate building, and under a distinct and separate roof.

Method of charging the duties in Scotland.

XXVII. And be it further enacted, That in case the commissioners hereby appointed for putting the said act in execution, with regard to *Scotland*, shall refuse or neglect to issue their precept or precepts, under the hand of such one of them, as shall, by the major part of those met, be elected preses of the meeting, to such inhabitants of every parish, within their several shires, stewartries, cities, or boroughs, and such number of them, as the major part of the commissioners so met, shall, in their discretions, think most convenient to be assessors as aforesaid, requiring them to appear before the said commissioners as herein before is mentioned; or if the persons who shall be so required to appear, shall refuse or neglect to appear as is herein before directed, or if the persons who shall be appointed assessors

Commissioners and assessors neglecting their duty.

fors by the ſaid commiſſioners, as herein before is mentioned, ſhall fail or neglect to bring in their certificates in writing, under their hands, of every dwelling-houſe inhabited or charged by the ſaid act, within the limits of thoſe pariſhes in which they ſhall ſeverally be appointed to act, and of the number of windows or lights in each houſe, with the names of the ſeveral occupiers or inhabitants of each reſpective dwelling-houſe, and of the ſums of money which they ought to pay by virtue of the ſaid act, as aforeſaid; or if the ſaid commiſſioners, or the major part of them, who ſhall be preſent upon the day appointed for the firſt general meeting of the commiſſioners of ſhires, and ſtewairies, cities and boroughs, for the land tax, granted for the ſervice of the year one thouſand ſeven hundred and forty eight, or on ſuch days, as ſhall be appointed for the firſt general meeting of the commiſſioners of the land tax, to be granted for the ſervice of any ſubſequent year, by any future act or acts of parliament, ſhall fail or neglect to elect and chuſe ſome fit perſon to be collector of the ſaid rates and duties as aforeſaid, or take ſuch bond, with ſufficient caution from him, for his due execution, of the ſaid office, and for other purpoſes herein before directed, that then, and in ſuch caſe it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, to make a certificate in writing, under their reſpective hands, of every dwelling-houſe inhabited or charged by the ſaid act, within the limits of thoſe pariſhes in which they ſeverally act, and of the number of windows or lights in each houſe, with the names of the ſeveral occupiers or inhabitants of each reſpective dwelling-houſe, and of the ſums of money which they ought to pay by virtue of the ſaid act as aforeſaid, and to return ſuch certificates to the ſurveyors general of the ſaid rates and duties at *Edinburgh*, who are forthwith to deliver the ſame to the barons of the court of exchequer in *Scotland*; and that it ſhall and may be lawful to and for the ſaid barons, or any two of them, to appoint collectors for collecting the ſaid rates and duties as aforeſaid, within ſuch reſpective places, and that the collectors ſo to be appointed by two of the ſaid barons as aforeſaid, ſhall have the ſame power to collect, receive, and recover the ſaid rates and duties, as ſuch collectors would have had in caſe they had been appointed to be collectors by the ſaid commiſſioners as aforeſaid, and that the ſaid barons of the exchequer in *Scotland* ſhall have all ſuch and the ſame powers to act in and about the collecting, recovering, getting in, receiving, and paying of the ſaid rates and duties upon houſes, as are given to the ſaid commiſſioners by the ſaid former act, or this preſent act, ſo that the ſaid rates and duties may be fully and effectually rated and paid, according to the true intent and meaning of the ſaid recited act, and of this preſent act.

the ſurveyors  
to return cer-  
tificates to the  
ſurveyors ge-  
neral, &c.

The barons to  
appoint col-  
lectors.

Forfeitures to  
whom pay-  
able,

XXVIII. And be it further enacted, That all penalties and forfeitures to be incurred for any offences againſt this act, in that part of *Great Britain* called *Scotland* (other than thoſe to be incurred by any collector) ſhall be and be made payable to the collector

collector of the shire, stewartry, city, or borough, within which the same shall be incurred; and all penalties and forfeitures to be incurred by any person for any offence against this act, for levying of which there is no particular way herein before prescribed or appointed, shall be levied by warrant under the hands of three or more commissioners of supply for such shire, stewartry, city, or borough, by poynding and distraining, and sale of the offender's goods, rendering the overplus to the owner thereof, after deduction of reasonable charges for distraining the same; and that the collector of every shire, stewartry, city, or borough, shall keep an exact account of all fines, forfeitures, and sums of money which he shall happen to levy in force of this act, other than and beside the single rates and duties to be contained in the assisment to be delivered to him signed by the commissioners as aforesaid, separate and distinct from his account of the said single rates and duties, and shall lay such account before the commissioners aforesaid half-yearly, at the time of their stated half-yearly meetings as aforesaid; which said commissioners, or the major part of them, shall have power to deduct and allow to such collector, such part of the sums charged in his separate account, as to them shall seem meet, in answering and defraying the expenses of levying the same, or such other incidental expenses as may accrue and arise in the execution of this act, and are not thereby provided for: and the said commissioners shall cause to be transmitted certificates of the ballance remaining due on every such account, to the offices of the King's remembrancer in the exchequer in Scotland, and of the receiver general to be appointed for the rates and duties aforesaid at Edinburgh, to the end that such ballance may be made a charge upon such collector; and such collector shall be obliged, and may be compelled, to pay the ballance so certified, to the said receiver general; and the said receiver general shall be obliged to pay the same into the receipt of his Majesty's exchequer at Westminster, in the same manner as is herein before provided with respect to the aforesaid rates and duties.

and how to be recovered.

Account to be kept of the forfeitures, &c.

Allowance to be made to collectors.

Certificates of the ballance to be transmitted to the exchequer.

Receiver general to pay the monies into the exchequer at Westminster.

## CAP. XI.

*An act for further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships, wrecked, lost, or taken; and for continuing to them their wages upon certain conditions.* Rep 22. Geo. 2. c. 33.

WHEREAS several laws heretofore made, relating to courts-martial in the sea service, have not proved effectual to enforce the ends thereby proposed, therefore for remedying and supplying the said defects, and for maintaining a proper and strict government and discipline in his Majesty's navy; be it enacted, &c.

The officer upon whom the command of a fleet, &c. shall devolve, empowered to hold courts-martial. The officer next in command, to preside.

ſide. The commander in chief to impower the commander of a ſquadron, ordered on ſeparate ſervice, to hold courts-martial. Where five or more ſhips meet in foreign parts, the ſenior captain to hold courts-martial, and preſide. Where it ſhall be improper for the officer next in command to preſide, the third officer to be appointed. Admiralty impowered to direct what officer ſhall hold courts-martial in any port in Great Britain or Ireland. No court-martial to conſiſt of more than 9 or leſs than 5. Where there are not more than 3 captains to be had, other commanders to be called in. No member of the court to go on ſhore, till ſentence given. Officers conſtituting a court-martial to take an oath. The judge advocate to take an oath. Penalty of an evidence guilty of contempt or miſbehaviour; or of perjury, &c. Articles of war eſtabliſhed by 18 Geo. 2. c. 35. to be in force with reſpect to the crews of ſhips loſt, &c. Clause for continuing their pay to the officers and men, after a ſhip is taken by an enemy, &c. Act 18 Geo. 2. c. 35. and part of 2 W. & M. appointing the form of an oath, repealed.

## C A P. XII.

*An act for holding the ſummer aſſizes for the county of Buckingham at the county town of Buckingham.*

**W**HEREAS for many years paſt it hath been uſual in the adminiſtration of juſtice to his Maſty's ſubjects, reſiding at the different ends of the county of Buckingham, which is of a great length, to appoint the ſummer aſſizes at the county town of Buckingham, and the winter aſſizes at Ayleſbury: and whereas this uſage was unneceſſarily broken in upon in the laſt ſummer: and whereas it will tend to preſerve the peace and quiet of the county to fix the diſtribution of juſtice in its uſual channel, within the ſaid county; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June, one thouſand ſeven hundred and forty eight, all the commiſſions of aſſize and *Niſi prius*, and all general commiſſions of *Oyer and Terminer*, and all commiſſions of general gaol delivery, which ſhall be appointed to be held and executed for the ſaid county next after the term of *Holy Trinity*, ſhall be held and executed in each year at and in the ſaid town of *Buckingham*, and at no other place within the ſaid county of *Buckingham*; any law, ſtatute, uſage, matter, or thing to the contrary notwithstanding.

The ſummer aſſizes for the county of Buckingham to be held at Buckingham yearly.

In caſes of exigency only, the aſſizes may be removed to ſome other place, during their continuance.

II. Provided alſo, and it is hereby enacted and declared by the authority aforeſaid, That if at any time hereafter the ſaid town of *Buckingham* ſhall be wholly unfit for holding the aſſizes there, by accident of fire, or by means of any contagious or epidemical diſtemper, or by any other unforeſeen cauſe or exigency, to be made appear before the lord high chancellor, or lord keeper, or lords commiſſioners for keeping the great ſeal of *Great Britain* for the time being; that then, and in ſuch caſes only, it ſhall and may be lawful to and for the lord high chancellor, or lord keeper, or lords commiſſioners for keeping the great ſeal of *Great Britain* for the time being, with the advice of the juſtices of aſſize, from time to time, in and during the

con-

continuance of such respective exigencies only, and for and at no other time or times, to appoint another convenient place within the said county for holding the said assizes, instead of the said town of *Buckingham*; any thing in this present act contained to the contrary notwithstanding.

## C A P. XIII.

*An act to rectify a mistake in an act made in this session of parliament, intituled, An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.* E X P.

WHEREAS by a clause in an act made this session of parliament, intituled, An act for punishing mutiny and desertion; and for the better payment of the army and their quarters; it is provided and declared, That from and after the twenty fifth day of March, one thousand seven hundred and forty eight, when and as often as any person or persons should be enlisted as a soldier or soldiers in his Majesty's land service, he and they were to be carried before the next justice of peace of any county, riding, city, or place, or chief magistrate of any city or town-corporate, who was required, in case such person or persons appeared to be duly enlisted, to certify under his hand, among other things, that the seventh and tenth articles of war against mutiny and desertion were read to such person or persons: and whereas in the said clause, mention is made of the seventh and tenth articles of war by mistake, instead of the second and sixth sections of such articles: for rectifying the said mistake, be it enacted, &c.

Justices to certify, that the second and sixth sections of those articles of war were read to persons enlisted.

## C A P. XIV.

*An act for permitting tea to be exported to Ireland, and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament.*

WHEREAS in and by an act passed in the eighteenth year of the reign of his present Majesty (intituled, An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another) an inland duty of one shilling per pound weight avoirdupois, and in that proportion for a greater or lesser quantity, is charged upon all tea which should be sold in Great Britain from and after the twenty fourth day



10 Geo. I. c. 10.

of June, one thousand seven hundred and forty five, and also a further duty of twenty five pounds for every one hundred pounds, of the gross price at which such tea should be sold at the publick sales of the united company of merchants of England trading to the East Indies, and proportionably for a greater or lesser sum, over and above all customs, subsidies, and duties payable to his Majesty for the same upon the importation thereof; which said several duties of one shilling per pound weight, and twenty five pounds per centum, it is thereby enacted should be paid down in ready money by the proprietor or proprietors of such tea, or such person or persons as should be appointed by him, her, or them, to the receiver or collector of the said inland duties, before such proprietor or proprietors, or other person or persons, should receive or take out for any purpose whatsoever such tea, from the warehouse or warehouses wherein the same was appointed to be lodged, by an act made in the tenth year of the reign of his late Majesty King George the First, according to the directions of the said act: and whereas the importation of tea into this kingdom, by the said united company of merchants of England trading to the East Indies, may be greatly increased, if the same be permitted to be exported to Ireland, and his Majesty's plantations in America, without paying the duties charged thereupon by the said act; we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and forty eight, all such tea as shall then have been, or hereafter shall be imported into the kingdom of Great Britain from any foreign parts, and which shall be afterwards exported to the kingdom of Ireland, or to his Majesty's plantations in America, and which shall have been duly entered, and for which the several subsidies and additional imposts due on the importation thereof, shall have been paid or secured to be paid, and which shall have been carried or put into such warehouse or warehouses, as aforesaid, shall and may, from and after the said first day of June, one thousand seven hundred and forty eight, upon due entry thereof being made by the proprietor or proprietors thereof, or by such person or persons whom they shall appoint for that purpose, be delivered out of any such warehouse to the respective proprietor or proprietors thereof, or such person or persons as shall be appointed by him, her, or them, and who shall before such delivery have duly entered the same for exportation to Ireland, or his Majesty's plantations in America, without payment being made of all or any the respective inland duties charged or imposed upon the same by the said act; any thing therein contained to the contrary thereof in any wise notwithstanding; such proprietor or proprietors, or other person or persons, first giving bond, with sufficient security to his Majesty, his heirs and successors, to be approved of by the commissioners of the said inland

Tea permitted to be exported to Ireland and America without paying the inland duties.

Proprietor to give bond for exportation.

inland duties for the time being, or any three of them, or by such person or persons as they shall, from time to time, appoint for that purpose, in double the value of the goods, that the same, and every part thereof shall (the dangers of the seas and enemies excepted) be really and truly exported to, and landed in such port of the kingdom of *Ireland*, or such place in his Majesty's plantations in *America*, for which the same has been so entered for exportation, and that the same shall not be exported, or carried to any other place or country whatsoever, nor re-landed in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, or either of them; and such bonds so entered into, for the carrying such tea to the kingdom of *Ireland*, or any of his Majesty's plantations in *America*, which has not paid the inland duty herein before-mentioned, shall not be delivered up nor discharged, until a certificate shall be produced under the hands and seals of the collector, comptroller, or surveyor of the customs of the port in *Ireland*, or the plantations in *America*, where such tea shall be landed, testifying the landing thereof; and for the future, the condition of all such bonds to be given for the exportation of any such tea to *Ireland*, shall be to produce such certificate six months from the date thereof (the danger of the seas and enemies excepted) and the condition of all such bonds to be given for the exportation of any such tea to the plantations in *America*, shall be to produce such certificate in eighteen months from the date thereof (the danger of the seas and enemies excepted) and in case no such certificate shall be produced within the respective times herein before-mentioned, it shall and may be lawful for the said commissioners of the said inland duties, to cause such bonds to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage to the contrary notwithstanding: and upon such proprietor or proprietors, or other person or persons, producing to the respective keeper or keepers of such warehouses, a certificate or certificates, signed by such person or persons as the commissioners of his Majesty's customs for the time being, or any four of them, shall for that purpose appoint, signifying that such entry has been made, and that the several subsidies and additional imposts, due on the importation thereof, have been paid or secured; and also producing a certificate under the hands of the commissioners of the said inland duties, or any three of them, that such security for exportation hath been given as herein before-mentioned; which certificate or certificates the said commissioners are hereby required to give accordingly; such warehouse-keeper or warehouse-keepers shall deliver out of such warehouse or warehouses, to such proprietor or proprietors, or other person or persons, in the same package, and no other than that in which it was imported, so much tea intended, and entered for exportation to the aforesaid places, and no other, as shall be mentioned or expressed in such certificate or certificates respectively, without payment being made of all or any the respective inland duties charged or imposed thereon

Bond not to be discharged till a certificate be produced of the landing.

Condition of the bond.

Warehouse-keeper to deliver to the proprietor the tea specified in the certificate;

and a permit. thereon by the said act; and the respective warehouse-keeper and warehouse-keepers are thereupon to give such proprietor or proprietors, or other person or persons, a permit or certificate to accompany such tea so delivered out, till the same is shipt for exportation; which permit or certificate shall be also signed by an officer attending the said warehouse or warehouses, who shall be appointed by the commissioners of the said inland duties, or the major part of them, to prevent the seizing thereof; and such proprietor or proprietors, or other person or persons, shall, at and before the tea therein mentioned is shipt or laden on board the ship or vessel in which it is entered, and intended to be exported, deliver such permit or certificate to the searcher or other proper officer of the customs of the port from which such tea is entered for exportation, who is hereby enjoined and required

Proprietor to deliver the permit to the searcher.

Searcher's duty in examining the tea, certified, &c.

(if he shall have cause to suspect the tea to be deficient in quantity or quality, from what is or shall be specified in the said permit or certificate) to open, weigh, search, and strictly examine all the chests, casks, and other package, in which such tea is contained, to see if the goods agree in quantity and quality with the permit or certificate signed by the officer of, the said inland duties, as before-mentioned, and whether the same has been rightly and duly entered outwards, and the quantity and quality rightly and truly expressed in the exporter's indorsement upon his entry; and if on such examination the same shall be found to be right entered, and that they agree in quantity and quality with the permit or certificate of the officers of the said inland duties, the searcher or other proper officer shall at his own charge cause the same to be repacked (which charge shall be allowed to the said officer by the commissioners of the customs, if they think it reasonable) but in case the officer shall on examination find such goods to be of any other species or quality, or to be more in quantity or quality than is expressed in such permit or certificate, or in the exporter's indorsement upon his entry outwards, or that they shall have been entered under a wrong denomination, whereby his Majesty would have been defrauded, all such goods, together with the chests, casks, and other package containing the same, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs, in such manner and form as herein after is expressed.

Tea to be exported in the same package, &c.

II. And it is hereby further enacted, That from and after the said first day of *June*, one thousand seven hundred and forty eight, no tea shall be exported to the kingdom of *Ireland*, or to any of his Majesty's plantations in *America*, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into *Great Britain*, nor in any less quantities than in the entire lot or lots in which the same was sold at the sale of the said united company, under the penalty of the forfeiture of such tea, and the package containing the same.

Tea entered for exporta-

III. And it is hereby further enacted, That from and after the said first day of *June*, one thousand seven hundred and forty eight,

eight, when any tea is entered for exportation to *Ireland*, or any <sup>other</sup> ~~other~~ <sup>place</sup> ~~place~~ to be of his Majesty's plantations in *America*, the outside package in which it is contained, shall, by the searcher or searchers belonging to the customs at the port from whence the same is intended to be exported, after the entry thereof, and before the same is shipped, be marked on four different parts, on the outside thereof, in such manner as the commissioners of the customs shall direct; and if any chest, cask, tub, or other package, shall, after the same has been marked and shipped as aforesaid, be landed, or found again on shore, having such marks thereon, such chest, cask, tub, or other package, with the tea therein contained, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs or inland duties, in such manner as herein after is expressed. <sup>and if found on shore again to be seized.</sup>

IV. And, for preventing the clandestine delivering of tea out of the warehouses herein before-mentioned, in order for the exportation thereof to the kingdom of *Ireland*, or to his Majesty's plantations in *America*; be it enacted by the authority aforesaid, That the keeper or keepers of the said warehouse or warehouses, who shall be appointed by the commissioners of his Majesty's customs and inland duties, shall keep one or more book or books, wherein they shall fairly enter in writing, an exact, particular, and true account of all such tea which shall, from time to time, be delivered out of the said warehouse or warehouses for exportation to *Ireland*, or the plantations in *America*, and the names of the respective person or persons to whom, or for whose use, the same was delivered out, and the particular days and times when the same was so delivered out; and shall, at the end of every three months, or oftener if required, transmit in writing an account thereof, upon oath, to the said commissioners of the customs and inland duties respectively for the time being; and the said commissioners are hereby required and enjoined, within one month after the same shall have been transmitted to them, as aforesaid, to appoint one or more person or persons to inspect and examine the same accounts; and if, upon examination, it shall appear that any tea has been delivered out for exportation to *Ireland*, or the plantations, otherwise than and under such terms, forms, and conditions performed as herein are before directed, appointed, and required for the doing thereof; then the warehouse-keeper and warehouse-keepers offending therein shall not only be disabled to hold and enjoy any publick office or employment, but shall also forfeit and lose for every such offence the sum of one hundred pounds. <sup>Book to be kept for entering all teas delivered out for exportation.</sup>

V. And be it further enacted by the authority aforesaid, That one moiety of the several penalties and forfeitures in this act before-mentioned shall be to the use of his Majesty, his heirs and successors, and the other moiety shall be to the use of such person or persons as shall inform, prosecute, or sue for the same (except in such cases where any other appropriation or distribution is made by any other act or acts) and that all the same penalties and forfeitures shall and may be prosecuted and sued for, and <sup>A quarterly account on oath, to be transmitted to the commissioners, &c.</sup> <sup>Penalty on warehouse-keeper offending.</sup> <sup>Disposition of the forfeitures.</sup>

and method  
of recovering  
them.

and the causes and controversies arising thereupon tried, heard, and determined in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh* respectively (except where any provision to the contrary is made by any other law or statute now in force) wherein no effoin, protection, wager of law, or more than one imparlance, shall be allowed.

General issue.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

21 Geo. 2. c. 2.

VII. And whereas by an act of this present session of parliament (intituled, An act for granting to his Majesty a subsidy of poundage upon all goods and merchandises to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same) it is amongst other things enacted, That it should and might be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and pay unto the chief cashier or cashiers of the governor and company of the bank of England, the sum of six millions three hundred thousand pounds, for the purchase of annuities, after the rate of four pounds per centum per annum, to commence from Michaelmas, one thousand seven hundred and forty eight, and to be charged upon, and payable out of the rates and duties granted by the said act, at the times, and in the manner therein mentioned; which said sum of six millions three hundred thousand pounds, was thereby appointed to be paid on or before the respective days and times, and in the respective proportions herein after mentioned; that is to say, Ten pounds per centum by way of deposit, on or before the twelfth day of December, one thousand seven hundred and forty seven; ten pounds per centum on or before the twenty eighth day of January, then next ensuing; ten pounds per centum on or before the twenty seventh day of February, then next ensuing; ten pounds per centum on or before the twenty fourth day of March, then next ensuing; ten pounds per centum on or before the twenty second day of April, then next ensuing; ten pounds per centum on or before the twenty fourth day of May, then next ensuing; ten pounds per centum on or before the twenty first day of June; then next ensuing; ten pounds per centum on or before the twenty first day of July,

July, then next ensuing; ten pounds per centum on or before the twenty third day of August, then next ensuing; and ten pounds per centum on or before the twentieth day of September, then next following; and the said contributors were to be allowed interest, after the rate of five pounds per centum per annum, for all sums by them advanced and paid to the said cashier or cashiers, to be computed from the respective days of the actual payment thereof to Michaelmas, one thousand seven hundred and forty eight; but in case the said contributors should fail to make any of their respective payments at the times limited in the said act for payment thereof, all sums by them paid in part of the principal sums by them subscribed should be forfeited: and whereas, since the making of the act last recited, several sums of ten pounds per centum, and other sums of money, have been deposited with and paid to the said cashier or cashiers, towards raising the said sum of six millions three hundred thousand pounds, and the residue of their said subscriptions ought to be paid at the respective days before-mentioned, but it being thought proper to enlarge the time appointed for subsequent payments on the said subscriptions, for the better and more effectual execution of the said act; be it further enacted by the authority afore said, That the ten pounds per centum, which is directed by the said act to be paid to the said cashier or cashiers on or before the said twenty second day of April, one thousand seven hundred and forty eight, shall and may be paid to them on or before the twenty second day of October following; and that the ten pounds per centum, which is directed to be paid by the said act to the said cashier or cashiers on or before the said twenty fourth day of May, one thousand seven hundred and forty eight, shall and may be paid to them on or before the twenty fourth day of November following, subject to the same penalties and forfeitures for nonpayment thereof at the times hereby limited, as in the said former act are contained: nevertheless, it is the true intent and meaning of this act, that the several and respective other sums of ten pounds per centum, directed to be paid on or before the said twenty first day of June, one thousand seven hundred and forty eight, the said twenty first day of July, the said twenty third day of August, and the said twentieth day of September following, shall be paid to the said cashier or cashiers on or before those respective days; any thing in this act to the contrary notwithstanding.

The time enlarged for some of the payments to be made on the subscription of 6,300,000l.

VIII. Provided always, and be it further enacted by the authority afore said, That the said contributors, or their assigns, who were by the said former act to have paid the respective payments of ten pounds per centum on or before the recited days in April and in May, and who by this present act are allowed to make the said payments on or before the said respective days in October and November, shall allow an interest after the rate of four pounds per centum per annum, from Michaelmas, one thousand seven hundred and forty eight, for all such payments which shall be made by them in part of their said several subscriptions, to be computed from that day to the time of the actual payment thereof to the said cashier or cashiers; which interest shall be by them

Contributors to allow 4l. per cent. per ann interest.

them deducted from the interest of five pounds per centum, due to such contributors or their assigns on former payments.

#### CAP. XV.

An act for enlarging the term and powers granted by an act made in the eighth year of the reign of his present Majesty, for repairing the roads from the town of Manchester, leading through Newton, Failsworth, and Oldham, in the county palatine of Lancaster, to Austerlands, in the parish of Saddleworth, in the county of York, and for making the same more effectual.

*The act 8 Geo. 2. c. 3 continued for 21 years.*

#### CAP. XVI.

An act for enlarging the term and powers granted by an act passed in the tenth year of the reign of his present Majesty, for repairing the road from Hertford bridge Hill, to the town of Basingstoke, and also the road from Hertford-bridge Hill aforesaid, to the town of Oldham in the county of Southampton, and for making the said act more effectual.

*The act 10 Geo. 2. c. 12 continued for 21 years.*

#### CAP. XVII.

An act to render more effectual an act made in the twentieth year of his Majesty's reign, intituled, *An act for relief of such of his Majesty's loyal subjects in that part of Great Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion,*

**W**HEREAS it has by experience been found impracticable, or extremely difficult, for some of his Majesty's dutiful and loyal subjects in Scotland, whose dwelling-houses were invaded or rifled by the rebels during the late rebellion, and whose title deeds and writings, or part of them, were carried off or destroyed by the rebels, to discover, within the time limited by an act made in the twentieth year of his Majesty's reign, intituled, *An act for the relief of such of his Majesty's loyal subjects in that part of Great Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion, all the writings upon record belonging to them which are amissing, and which may concern or relate to their rights and interests in their lands and estate, so as to enable them to obtain the benefit intended by the said act of parliament, by applying to the court of session, and obtaining an Interloquitor of the said court concerning and declaring the extracts of such writings upon record to be equal to principals and it is therefore necessary to make further provisions, for rendering the relief intended by the said act more effectual, be it therefore enacted, &c.*

Extracts from the records of any writing produced in favour of any of the King's loyal subjects in Scotland, &c. who petitioned the court of session, and whose writings were destroyed by the rebels, to be deemed equal to the principal Oath to be made of the principal writing being destroyed by the rebels. Defendant may object to the extract. Persons within the description of this act allowed time to petition and make proof of their positions. If the proof be satisfactory, the court to register their determination, which shall be admitted as evidence. Extract of the judgment of the court may be produced in any subsequent petition or suit, as evidence

dence. Where the writings have been torn or defaced by the rebels, the sufferers upon producing the said writings, to be relieved.

## C A P. XVIII.

*An act for draining and preserving certain fen lands in the several parishes of Maney, Upwell, Welney, Downham, Witcham, and in a certain extraparochial place in Byal Fen within the ifle of Ely and county of Cambridge.*

WHEREAS certain fen lands and low grounds lying and being in the several parishes of Maney, Welney, Upwell, Downham, Witcham, and a certain extraparochial place in Byal Fen, within the ifle of Ely and county of Cambridge, and within the great level of the fens called Bedford Level, containing in the whole, fix thousand seven hundred acres, or thereabouts (nine hundred and thirty acres whereof, or thereabouts, are commonable lands, and the reft are severals) the greateft part of which said lands are within the manor of Maney, and the reft within the parishes of Welney, Upwell, Downham, Witcham, and a certain extraparochial place in Byal Fen, are bounded as follows, videlicet; from a bank known by the name of The Thirty Feet Bank, at a place called Welche's Dam, along a drain known by the name of The Twenty Feet Drain, to the outring ditch of the five hundred acres of land, commonly called Carter's Farm, next to the land in the poffeffion of Richard Holditch, efquire, and along the said outring ditch, to certain lands in the poffeffion of Mary Wright widow, and from thence to a certain drove called Byal Fen Drove, and from thence along the said drove to the said drain called The Twenty Feet Drain, and from thence to Welney river, and from thence by the said river, to a place called Darcy Load, and from thence along Darcy Load to a place called Twifle Load, and from thence along Twifle Load, to a place called Maney Field, and from Maney Field cross the said drove called Byal Fen Drove, to the outring ditch of certain lands now in the poffeffion of Richard Read efquire, next to a place called Wentworth Parts, and along the said outring ditch, to the five hundred acres of land, commonly called Carter's Farm, and along the outring ditch of the said five hundred acres next the Parts, to the outring ditch of the said Carter's Farm, next Chatteris Common, and from thence along the said outring ditch, to the outring ditch of certain lands in the poffeffion of William Blunt efquire, and from thence along the outring ditch of the said lands, and the lands now in the poffeffion of Thomas Afland, to the aforefaid bank known by the name of The Thirty Feet Bank, and from thence along the said Thirty Feet Bank to Welche's Dam aforefaid, are fubject to inundations through the defect of their outfalls to fea, and are in danger of being rendered ufelefs, to the great damage and impoverifhment of the owners of fuch grounds, and lofs to the publick: and whereas the said fen lands and low grounds cannot be preferved without the aid of parliament, to enable the owners thereof, and commoners therein, to drain the fame and to keep the fame drained for the future; may it therefore pleafe your moft excellent Majefty that it may be enacted, &c.



Commissioners impowered to make drains, &c. and erect engines, making satisfaction to the owners of the soil. In case of difference, the justices to adjudge the damage. Commissioners impowered to make assessments. The High Lands not to be assessed. Commissioners to determine what lands shall be deemed such. Commissioners may assign over the taxes as a security for money borrowed. Commissioners to imbank at the proprietors expences certain parts of the Twenty Feet Drain, &c. If the owners of lands refuse to pay their quota, it is to be levied by distress and sale. Tenants to pay the rates, and deduct the same out of the rent. Penalty of 100l on damaging and destroying the works, For want of distress the person to be committed. Penalty of burning the engines, 3 years imprisonment. Second offence, felony. The receipts and disbursements to be inspected, and the accounts settled yearly by the commissioners. The rights of the conservators of Bedford Level reserved.

### C A P. XIX.

*An act for the more effectual trial and punishment of high treason and misprision of high treason, in the highlands of Scotland; and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some further regulations relating to sheriffs depute and stewards depute, and their substitutes; and for other purposes therein mentioned.*

**F**OR the more impartial and effectual trial and punishment of all offences of high treason and misprision of high treason, committed in the highlands of Scotland, and the limits and bounds herein after-mentioned, and for taking away any hopes of impunity from persons guilty of crimes so dangerous to his Majesty's government, and the present happy establishment; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of April, in the year of our Lord one thousand seven hundred and forty eight, all offences of high treason, and misprision of high treason, already committed, or hereafter to be committed, in the shires of Dunbartain, Sterling, Perth, Kincardine, Aberdeen, Inverness, Nairn, Cromartie, Argyll, Forfar, Bamff, Sutherland, Caithness, Elgin, and Ross, and the shire or stewartry of Orkney, or any of them, in that part of Great Britain, called Scotland, may be enquired of, heard, tried, and determined in the court of justiciary there, in the county, shire, or stewartry where the said court shall sit, or before such commissioners or justices of Oyer and Terminer, and in such county, shire, or stewartry, within that part of Great Britain, called Scotland, as shall be assigned by his Majesty, his heirs or successors, by his or their commission, under the great seal of Great Britain, in like manner and form, to all intents and purposes, as if such offences of high treason, or misprision of high treason, had been done or committed in the same county, shire, or stewartry where they shall be so enquired of, heard, tried, and determined, as aforesaid.

Offences of high treason, &c. in the highlands,

may be tried in any county in Scotland.

II. And to the end, that there may be no defect of jurors to enquire of, or try the ſaid offences of high treaſon, and miſprifion of high treaſon, committed in any part of *Scotland*; be it enacted by the authority aforeſaid, That all enquiries and trials for high treaſon, or miſprifion of high treaſon, committed or to be committed in that part of *Great Britain* called *Scotland*, may be had by good and lawful men, not only of the body of the county, ſhire, or ſtewartry out of which they ought to come, by virtue of the proviſion aforeſaid, or of former laws, but alſo of the bodies of the counties, ſhires, or ſtewartries next adjoining, or any of them; and the ſaid court of juſtiſiary, and the ſaid commissioners or juſtices of *Oyer and Terminer* reſpectively, may and ſhall iſſue proceſſes for that purpoſe, to the reſpective ſheriffs or ſtewards of the ſaid county, ſhire, or ſtewartry out of which the jury ought to come as aforeſaid, and the counties, ſhires, or ſtewartries next adjoining thereto, or any of them, requiring them to return ſuch a number of jurors reſpectively, as to the ſaid court, or the ſaid commissioners, or juſtices ſhall ſeem meet; and that in all ſuch caſes, no challenge for the county, ſhire, or ſtewartry ſhall be allowed; but nevertheleſs upon the trial of any ſuch high treaſon, or miſprifion of high treaſon, the challenge to any juror for not being poſſeſſed in his own right, or in the right of his wife, or lands or tenements, as proprietor or life renter within the county, ſhire, or ſtewartry, out of which the jury ought to come as aforeſaid, or within any of the counties, ſhires, or ſtewartries next adjoining thereto, and all other lawful challenges to jurors ſhall be allowed.

Jurors may be taken from the adjoining ſhires.

Court of juſtiſiary and juſtices to iſſue proceſſes for the return of jurors.

No challenge for the county,

but all other legal challenges allowed.

III. And be it further enacted by the authority aforeſaid, That three of the lords of the juſtiſiary ſhall be named and aſſigned in every ſuch commiſſion of *Oyer and Terminer*, whereof one to be of the *Quorum*; and that if any indictment of high treaſon, or miſprifion of high treaſon, ſhall be found before any ſuch commissioners or juſtices of *Oyer and Terminer*, and requeſt ſhall be made by the advocate of his Majeſty, his heirs or ſucceſſors, for *Scotland*, to the lord chancellor, or lord keeper, or lords commissioners of the great ſeal of *Great Britain* for the time being, to remove ſuch indictment into the court of juſtiſiary in *Scotland*; then the lord chancellor, or lord keeper, or lords commissioners of the great ſeal of *Great Britain* for the time being, ſhall award a writ of *Certiorari*, under the ſaid great ſeal, directed to ſuch commissioners or juſtices of *Oyer and Terminer*, thereby commanding them, or any of them, to certify ſuch indictment into the ſaid court of juſtiſiary; which court ſhall have power and authority, and is hereby required to proceed upon, hear, and determine the ſame, as the court of *King's Bench* in *England*, may do upon indictments of high treaſon, or miſprifion of high treaſon, removed or certified into the ſaid court; and in every ſuch caſe, the trial in the ſaid court of juſtiſiary ſhall be had by a jury of the county, ſhire, or ſtewartry, where in ſuch indictment ſhall be found, or of that, and of one or more of the counties, ſhires, or ſtewartries next adjoining, and

Three lords of the juſtiſiary to be in the commiſſion of *Oyer and Terminer*.

Indictments of high treaſon, at the requeſt or his Majeſty's advocate, may be certified into the court of juſtiſiary.

Jurors in ſuch caſes, whence to be had.

the said court is hereby impowered to issue procefs for that purpose; and the benefit of such challenges, to any of the jurors as are hereby before allowed, and none other, shall be allowed upon every such trial in the said court of justiciary.

Peers to be  
tried by their  
peers.

IV. Provided always, That if any peer of this realm shall happen to be indicted of any high treason, or misprision of high treason, by authority of this act, then after such indictment found, every such peer shall have his trial by his peers, in such manner and form, as by law a peer of this realm is to have his trial.

Persons con-  
victed of high  
treason subject  
to corruption  
of blood, &c.

V. And be it further enacted by the authority aforesaid, That all persons convicted or attainted of any high treason, or misprision of high treason, pursuant to this act, shall be subject and liable to the same corruption of blood, pains, penalties, and forfeitures, as persons convicted or attainted of high treason, or misprision of high treason, pursuant to an act made in the seventh year of the reign of her late majesty Queen Anne, intituled, *An act for improving the union of the two kingdoms*.

7 Annæ, c. 21.

The said  
clauses to be  
in force for 7  
years,

VI. Provided always, and be it further enacted by the authority aforesaid, That the provisions and clauses herein before-mentioned and contained, shall be and continue in force for the space of seven years, and from thence to the end of the then next session of parliament, and no longer.

The taking  
down the evi-  
dence in writ-  
ing in certain  
criminal pro-  
secutions,  
abrogated.

VII. And whereas the taking down, and reducing into writing the evidence given in criminal causes and prosecutions (not extending to the loss of life, or to demembration) before the court of justiciary, and the circuit courts in that part of Great Britain called Scotland, has by experience been found very inconvenient, and to occasion great delay, as well as expence; be it further enacted by the authority aforesaid, That from and after the first day of July, in the year of our Lord one thousand seven hundred and forty eight, it shall and may be lawful for the said court of justiciary, and the said respective circuit courts, to proceed in, try, and determine all causes and prosecutions before them, for any crime or crimes, not inferring the punishment of death or demembration, whereupon the verdict of an assize or jury is to pass, upon examining and hearing the evidence of the witness or witnesses adduced or examined in any such cause or prosecution  *viva voce*, without reducing into writing the testimony of any such witness or witnesses; and that the practice of taking down, and reducing into writing the testimony of witnesses in such cases, be and the same is hereby abrogated and abolished.

Counsel and  
panel may  
interrogate the  
witnesses.  
Judge to sum  
up the evi-  
dence.

VIII. Provided always, and be it enacted, That in such cases where the testimony of witnesses shall not be reduced into writing, the counsel on both sides, and the panel, may interrogate the witnesses to and upon pertinent and legal questions; and that immediately before the assize or jury shall be inclosed, the evidence shall be summed up by the judges, before whom such trial shall be had, or one of them.

His majesty's

IX. And it is hereby further enacted, That the several forts erected, or hereafter to be erected by his Majesty, his heirs or successors,

successors, within the said shires of *Dunbartain, Sterling, Perth, Kincardine, Aberdeen, Inverness, Nairn, Cromartie, Argyll, Forfar, Bamf, Sutherland, Caithness, Elgine, and Ross*, and the shire or stewartry of *Orkney*, or any of them, shall be, and they are hereby declared to be lawful prisons, for the commitment and safe custody of offenders; and the several and respective officers, commanding for the time being in any such fort or forts, are hereby impowered and required to obey and execute all legal orders and warrants, that shall be to them directed for the receiving and detaining, or releasing and liberating any person or persons, committed to their charge or custody, by the civil magistrate.

forts declared  
lawful prisons.

The officers  
to receive, &c.  
prisoners com-  
mitted by  
warrant from  
the magistrate.

X. And it is hereby further enacted, That no sheriff depute, or steward depute, or substitute to any sheriff depute or steward depute, of any county, shire, or stewartry in *Scotland*, after the twenty fifth day of *December*, in the year of our Lord one thousand seven hundred and forty eight, shall be steward, chamberlain, or commissioner to any subject whatsoever, or collector of the cess, or shall exercise or act in the employment, service, or office of such steward, chamberlain, commissioner, or collector; and if any such sheriff depute or steward depute, or substitute to any sheriff depute or steward depute, shall accept or take upon him any such employment, service, or office, or exercise the same, or act therein, he shall from thenceforth forfeit his office or employment of sheriff depute, steward depute, or substitute, and be *ipso facto* disabled to hold, enjoy, or exercise the same.

Regulations  
relating to the  
sheriffs and stew-  
ards depute,  
and their sub-  
stitutes.

XI. And be it further enacted by the authority aforesaid, That no such sheriff depute or steward depute shall be capable of being elected, or of sitting or voting as a member of the house of commons.

Sheriffs and  
stewards de-  
pute disquali-  
fied from be-  
ing members  
of parliament.

XII. And whereas his Majesty has thought fit, for the more easy administration of justice, to appoint one sheriff depute only for the shires of *Fife and Kinross*, one only for the shires of *Sterling and Clackmannan*, one only for the shires of *Argyll and Bute*, one only for the shires of *Elgin and Nairn*, one only for the shires of *Sutherland and Caithness*, and one only for the shires of *Ross and Cromartie*; be it enacted by the authority aforesaid, That the sheriffs depute appointed for the said shires, shall not be obliged to reside four months in each of the said shires, but that their residence within the two shires, considered as one district in that respect, shall be deemed sufficient to all intents and purposes.

Residence of  
the sheriffs de-  
pute,

XIII. And be it further enacted, That until a new distribution and division of the circuits in *Scotland* shall be made, in pursuance of the act of the twentieth year of his present Majesty's reign (intituled, *An act for taking away and abolishing the heretofore jurisdictions in that part of Great Britain called Scotland, and for making satisfaction to the proprietors thereof, and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all*

till a new di-  
vision of the  
circuits, ac-  
cording to  
10 Geo. II.

c. 43

The judges appointed for Dumfries and Jedburgh, shall also hold the circuit court at Ayr.

*persons acting as procurators, writers, or agents in the law in Scotland, to take the oaths; and for rendering the union of the two kingdoms more complete*) the judges appointed to hold the circuit courts at *Dumfries* and *Jedburgh*, shall likewise be appointed to hold the circuit court at *Ayr*, which shall be, and be deemed to be within the limits of the circuit, commonly called *The Southern Circuit*, until such new division and distribution of the circuits in *Scotland* shall be made as aforesaid.

### CAP. XX.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing the several roads leading from Birmingham, through the town of Wednesbury, to a place called High Bullen, and to Great Bridge; and from thence to the end of Gibbet Lane, next adjoining to the township of Bilton, and from Great Bridge, through Dudley to King Swinford, and to the further end of Buttel Lane, in the counties of Warwick, Stafford, and Worcester.

*The act 13 Geo 1 c. 14. continued for 21 years.*

### CAP. XXI.

An act for erecting workhouses, for the better employing and maintaining the poor within the bough of Bury Saint Edmunds, in the county of Suffolk, and for the better repairing and paving the streets and highways there.

### CAP. XXII.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, intituled, *An act for repairing the roads leading from the town of Bromsgrove to the town of Dullis, in the county of Worcester, and from the said town of Bromsgrove to the town of Birmingham, in the county of Warwick*, so far as the said act relates to repairing the roads leading from the town of Birmingham, to the town of Bromsgrove, in the county of Worcester, and for making the same more effectual.

*The act 13 Geo 1 c. 15 continued for 21 years.*

### CAP. XXIII.

*An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty eight; and for applying a sum of money remaining in the exchequer, arisen by the rates and duties on houses which determined at Ladyday, one thousand seven hundred and forty seven; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances, for the year one thousand seven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse lately reduced.*

*Most gracious Sovereign,*

**W**E your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully

fully granted to your Majesty in this feflion of parliament, for the fervice of the year one thoufand feven hundred and forty eight, in the eafieft manner we are able, for the benefit of your Majesty's fubjects, and alfo to ufe fuch ways and means therein as that your Majesty may have the better and more fpeedy effect of the faid fupplies, have refolved to give and grant unto your Majesty the fum of one million, out of the furpluffes, exceffes, and overplus monies, commonly called *The finking fund*: and to that end and purpofe do moft humbly befeech your Majesty that it may be enacted, and be it enacted by the King's moft excellent majesty, by and with the advice and content of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That by or out of fuch monies as now are, or fhall from time to time be and remain in the receipt of the exchequer, of the faid furpluffes, exceffes, or overplus monies, commonly called *The finking fund* (after paying or referving fufficient to pay all fuch fum and fums of money as have been directed by any former act or acts of parliament to be paid out of the fame) there fhall and may be iffued, and applied, a fum not exceeding the faid fum of one million, for and towards the fupply granted to his Majesty for the fervice of the faid year one thoufand feven hundred and forty eight; and the commiffioners of his Majesty's treasury, or any three or more of them now being, or the high treafurer, or any three or more of the commiffioners of the treasury for the time being, are hereby authorized and impowered to iffue and apply the fame accordingly.

One million granted out of the finking fund.

II. And be it further enacted by the authority aforefaid, That all the monies which have arifen, or fhall arife into the receipt of his Majesty's exchequer, of the feveral rates and duties on houfes, which determined at *Ladyday*, one thoufand feven hundred and forty feven, fhall be deemed and taken, and be applied as part of the fund for paying and difcharging the feveral annuities and other payments charged by an act of the laft feflion of parliament, on certain rates and duties on houfes, windows, and lights granted by the faid act; and the commiffioners of his Majesty's treasury, or any three or more of them now being, or the high treafurer, or any three or more of the commiffioners of the treasury for the time being, are hereby authorized and impowered to iffue and apply the fame thereunto accordingly; any thing in this or any former act to the contrary thereof in any wife notwithstanding.

Appropriation of the monies coming by the duties on houfes.

III. And it is hereby enacted by the authority aforefaid, That in cafe the faid commiffioners of his Majesty's treasury, or any three or more of them now being, or the high treafurer, or any three or more of the commiffioners of the treasury for the time being, fhall think it advifeable to raife the faid fum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it fhall and may be lawful to and for any perfon or perfons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt

Clause of loan at 4l. per cent.

ceipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent on the security of this act shall be rated or assessed to any tax or assessment whatsoever.

Tallies and  
orders for re-  
payment,

IV. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entred in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of or for the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses or purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with

to carry 4l. per  
cent. interest.

Orders to be  
register'd, and  
paid in course.

No fee for re-  
gistering, &c.

with full coſts of ſuit; or If the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made either in point of registry or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt with full coſts of ſuit to the party grieved, and ſhall be forejudged of his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after incapable of his place or office; and in caſe the auditor of the receipt ſhall not direct the ſaid orders of loan, or the clerk of the pells record, or the teller make payment upon ſuch order, according to each perſon's due place and order as before directed, then he or they ſhall be adjudged to forfeit, and the reſpective deputies and clerks therein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid; all which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any the officers of the exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*; wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint ſhall be in any wiſe granted or allowed. <sup>Penalty.</sup>

V. Provided always, and it is declared, That if it ſhall happen that ſeveral tallies of loan or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe be entered firſt, ſo as he enters them all the ſame day. <sup>Penalties how to be recovered.</sup>

VI. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay ſubſequent orders to perſons that come and demand their monies, and bring their orders, before other perſons that did not come to take their monies, and bring their orders in courſe, ſo as there be ſo much money reſerved as will ſatisfy precedent orders, which ſhall not be otherwiſe diſpoſed of, but kept for them; intereſt upon loan being to ceaſe from the time the money is ſo reſerved and kept in bank for them. <sup>Proviſo.</sup>

VII. And be it further enacted, That all and every perſon and perſons to whom any money ſhall be due for loans to be regiſtred by virtue of this act, after order entered in the book of registry as aforeſaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorſed and written upon his, her, or their order, may assign or transfer his, her, and their right, title, intereſt, and benefit of ſuch order, or any part thereof to any other; which being notified in the office of the auditor of the receipt as aforeſaid, and an entry or memorial thereof alſo made in the book of registry aforeſaid. <sup>Orders assignable.</sup>



No fee for  
entry.

The assign-  
ment not to be  
voided.

Treasury may  
make new bills  
for raising the  
ſaid one mil-  
lion, &c.

The exche-  
quer bills to be  
ſubject to the  
regulations  
contained in  
21 Geo. 2. c. 1

Exchequer  
bills, &c. to  
be repaid out  
of the ſinking  
fund.

ſaid for orders (which the officers ſhall upon request without fee or charge accordingly make) ſhall intitle ſuch assignee, his, her, or their executors, administrators, ſucceſſors, or assigns, to the benefit thereof, and payment thereon, and ſuch assignee may in like manner assign again, and ſo *toties quoties*; and afterwards it ſhall not be in the power of ſuch perſon or perſons who have or hath made ſuch assignment, to make void, releaſe, or diſcharge the ſame, or any the monies thereby due, or any part thereof.

VIII. And to the end there may be no want or failure of a certain ſum ſhot to exceed in the whole the ſaid ſum of one million, to be raiſed either by ſuch loans as aforeſaid, or by iſſuing exchequer bills as is herein after mentioned, or by both or either of thoſe ways or means for the publick ſervice; be it further enacted by the authority aforeſaid, That in caſe the com- miſſioners of his Maſteſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the com- miſſioners of the treaſury for the time being, ſhall judge it more adviſeable to raiſe the ſaid ſum of one million, or any part thereof, by exchequer bills, inſtead of ſuch loans as aforeſaid, that then they reſpectively are hereby authorized and impowered at any time or times to prepare and make, or cauſe to be pre- pared and made at the exchequer, any number of new exche- quer bills, for any ſum or ſums of money not exceeding in the whole the ſaid ſum of one million, together with ſuch loans as aforeſaid, in the ſame or like manner, form, or order, and ac- cording to the ſame or like rules and directions, as in and by a certain act of parliament (for continuing the duties upon malt, mum, cyder, and perry, for the ſervice of the year one thou- ſand ſeven hundred and forty eight) are enacted and preſcribed, concerning the exchequer bills to be made in purſuance of the ſaid act.

IX. And be it further enacted by the authority aforeſaid, That all and every the claules, proviſoes, powers, privileges, advantages, penalties, forfeitures, and diſabilities, contained in the ſaid laſt-mentioned act relating to the loans or exchequer bills authorized to be made by the ſame act, except ſuch claules as do charge the ſame on the rates or duties, granted by the ſame act, ſhall be applied and extended to the exchequer bills to be made in purſuance of this act, as fully and effectually to all in- tents and purpoſes as if the ſaid exchequer bills had been origi- nally authorized by the ſaid laſt mentioned act, or as if the ſaid ſeveral claules or proviſoes had been particularly repeated or re- enacted in the body of this preſent act.

X. And be it enacted by the authority aforeſaid, That all the exchequer bills as ſhall be made in purſuance of this act, and the intereſt, premium, rate, and charges incident to at- tending the ſame, ſhall be and are hereby charged and charge- able upon, and ſhall be repaid and borne by or out of the groſs- ing produce of the ſaid ſurpluſſes, exceſſes, or overplus monies, commonly called *The ſinking fund* (except ſuch monies of the ſinking fund as are appropriated to any particular uſe or uſes by  
any

any former or other act or acts of parliament in that behalf and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

XI. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by the malt act, loans or exchequer bills, upon one act of this session of parliament, (intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and forty eight;*) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same, and also all the monies coming into the exchequer by sale of annuities, after the rate of four pounds *per centum per annum*, upon one other act of this session of parliament (intituled, *An act for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom, and for raising a certain sum of money by annuities, and a lottery, to be charged on the said subsidy, and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same,*) and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight,*) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same, and the sum of one million by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that

The surplus of  
the malt act,  
&c.

Annuities,

Land tax,

applied.

XII. It is herein enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two millions two hundred ninety eight thousand eight hundred two

Out of the aids  
in general to  
be paid,  
2,298,827l. 9s.  
to naval  
ty services.

ty seven pounds, nine shillings, and five pence, for or towards the naval services herein after more particularly exprest, that is to say, for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea-officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed, and for or towards carrying on the building of the intended hospital for sick and wounded seamen at *Gosport*, for the year one thousand seven hundred and forty eight.

91,496 l. 16 s.  
3 d. for freight  
of transports.

XIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ninety or a thousand four hundred ninety six pounds, sixteen shillings, and three pence, for the freight of transports in the year one thousand seven hundred and forty seven, and any sum or sums of money, not exceeding forty three thousand nine hundred thirty seven pounds, eleven shillings, and three pence, for the expence of victuals provided for his Majesty's land forces, in the year one thousand seven hundred and forty seven.

41,937 l. 11 s.  
9 d. for victual-  
ling the land  
forces.

10,000 l. to  
Greenwich  
hospital.

XIV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at *Greenwich*, for the better maintenance of the said hospital, worn out and become decrepit in the service of their country, and any sum or sums of money, not exceeding one million, towards paying off and discharging the debt of the navy.

1,000,000 l.  
towards the  
debt of the  
navy.

501,629 l. 18 s.  
2 d. to the  
office of ord-  
nance.

XV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five hundred one thousand six hundred twenty nine pounds, eighteen shillings, and two pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty eight, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

196,089 l. 19 s.  
7 d. to the mi-  
nutes.

XVI. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred ninety six thousand eighty nine pounds, nineteen shillings, and seven pence, for defraying the charge of eleven thousand five hundred and fifty marines (commission and non-commission officers included) for the service of the year one thousand seven hundred and forty eight.

3,761,576 l.  
9 s. 1 d. 1 q.  
to the land  
forces,

XVII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding three millions seven hundred sixty one thousand five hundred seventy six pounds, nine shillings, and one penny farthing, for or towards maintaining his Majesty's land forces, and other ser-

vices

vices herein after more particularly expreſſed; (that is to ſay) of which  
any ſum or ſums of money, not exceeding one million two hun- 1,267,376 l.  
dred ſixty ſeven thouſand three hundred ſeventy ſix pounds, 158. 9 d. 3 q.  
fifteen ſhillings, and nine pence three farthings, for defraying garriſons, &c.  
the charge of the forty nine thouſand nine hundred and thirty in Great Bri-  
nine effective men, including commiſſion and non-commiſſion tain, Guern-  
officers, and one thouſand eight hundred and fifteen invalids, to ſey, and Jer-  
be employed for the ſervice of the year one thouſand ſeven hun- ſey,  
dred and forty eight; and any ſum or ſums of money, not ex- 350,034 l. 14s.  
ceeding three hundred ſixty thouſand thirty four pounds four 1 d 3 q.  
teen ſhillings, and one penny three farthings, for maintaining the forces in  
his Maſteſty's forces and garriſons in the plantations, Minorca the planta-  
and Gibraltar, and for provisions for the garriſons at Annapolis tions, &c.  
Royal, Placentia, Gibraltar, Georgia, Rattan, and Cape Breton, for  
the year one thouſand ſeven hundred and forty eight; and any 460,223 l. 10s.  
ſum or ſums of money, not exceeding four hundred ſixty thou- for the troops  
ſand two hundred twenty three pounds, ten ſhillings, for de- of Hanover;  
fraying the expence of the pay and ſubſiſtence of a body of the  
troops of *Hanover*, conſiſting of five thouſand horſe, and ſeven-  
teen thouſand and ſeventy foot, making in the whole twenty  
two thouſand and ſeventy men, to act in the Low Countries,  
with the *Auſtrian* troops, and thoſe of the *States General* of the  
united provinces, for the year one thouſand ſeven hundred and  
ferty eight; and any ſum or ſums of money, not exceeding ten 10,000 l. for a  
thouſand pounds, for a train of artillery to attend the ſaid troops; train of ar-  
and any ſum or ſums of money, not exceeding one hundred ſixty tillery. •  
ſeven thouſand eight hundred eighty one pounds, eighteen ſhil- 167,881 l. 18s.  
lings, and ten pence, for the proportion of the ſubſidy payable 10d. for troops  
by *Great Britain* to the emperſs of *Ruſſia*, for a body of troops of Ruſſia.  
to conſiſt of thirty thouſand men, to be employed for the ſervice  
of *Great Britain*, the *States General* of the united provinces, and  
their allies, for the year one thouſand ſeven hundred and forty  
eight, and for defraying the charge of the march of the ſaid  
troops to the frontiers of *Upper Sileſia*, and any ſum or ſums of 150,000 l. for  
money, not exceeding one hundred and fifty thouſand pounds forage, &c.  
upon account, for the year one thouſand ſeven hundred and for the ſaid  
forty eight, towards defraying the proportion payable by *Great troops.*  
*Britain* of the provisions and forage to be furniſhed to the ſaid  
troops, from the time of their arrival on the frontiers of *Upper*  
*Sileſia*, until they return to the frontiers of *Poland*, and any ſum 161,951 l. 14s.  
or ſums of money not exceeding one hundred ſixty one thouſand 7 d. 1 q. for  
nine hundred fifty one pounds, fourteen ſhillings, and ſeven troops of  
pence farthing, for defraying the charge of one thouſand two Sweden, &c.  
hundred and ſixty four horſe, and four thouſand nine hundred  
and eight foot, with the general officers, and train of artillery,  
the troops of his maſteſty the King of *Sweden*, as *Landgrave* of  
*Heſſe Caſſell*, in the pay of *Great Britain*, from the twenty fifth  
day of *December*, one thouſand ſeven hundred and forty ſeven,  
to the twenty fourth day of *December*, one thouſand ſeven hun-  
dred and forty eight, both incluſive, together with the ſubſidy  
for the ſaid time, purſuant to treaty; and any ſum or ſums of  
money,

57,792 l. 7 s.  
5 d. 2 q. for  
troops of the  
duke of  
Brunſwick  
Wolfenbuttle;

400,000 l. to  
the Queen of  
Hungary.

300,000 l. to  
the King of  
Sardinia.

3,620 l. to the  
Electoꝛ of  
Mentz

26,846 l. 11 s.  
9 d. to the  
Electoꝛ of Ba-

53,861 l. 3 s.  
for general  
and ſtaff offi-  
cers.

315,876 l. 8 s.  
9 d. 3 q. for  
the war in  
Flanders, &c.

27,224 l. 6 s.  
to officers on  
half-pay.

3,886 l. 18 s.  
8 d. 1 q. to the  
penſions of re-  
duced officers  
widows, &c.

money, not exceeding fifty ſeven thouſand ſeven hundred ninety two pounds, ſeven ſhillings, and five pence halfpenny, for defraying his Maſteſty's proportion of the charge of maintaining four thouſand eight hundred foot, with the general officers, and train of artillery, the troops of his moſt ſerene highneſs the duke of *Brunſwick Wolfenbuttle*, from the twenty fifth day of *March*, one thouſand ſeven hundred and forty eight, to the twenty fourth day of *December* following, both incluſive, taken into the ſervice of his Maſteſty and the *States General*, together with his Maſteſty's proportion of the ſubſidy, purſuant to treaty; and any ſum or ſums of money, not exceeding four hundred thouſand pounds, to enable the Queen of *Hungary* to ſupport her allies, and maintain ſixty thouſand men in the *Low Countries*, and the like number in *Italy*, for the year one thouſand ſeven hundred and forty eight, purſuant to treaty; and any ſum or ſums of money, not exceeding three hundred thouſand pounds, to make good his Maſteſty's engagements with the King of *Sardinia*, purſuant to treaty; and any ſum or ſums of money, not exceeding eight thouſand ſix hundred and twenty pounds, to make good his Maſteſty's engagements with the Electoꝛ of *Mentz*, purſuant to treaty; and any ſum or ſums of money, not exceeding twenty ſix thouſand eight hundred forty ſix pounds, eleven ſhillings, and nine pence, to make good his Maſteſty's engagements with the Electoꝛ of *Bavaria*, purſuant to treaty; and any ſum or ſums of money, not exceeding fifty three thouſand eight hundred ſixty one pounds, and three ſhillings, for the pay of the general, and general ſtaff officers, and officers of the hoſpitals for his Maſteſty's land forces, for the year one thouſand ſeven hundred and forty eight; and any ſum or ſums of money, not exceeding three hundred fifteen thouſand eight hundred ſeventy ſix pounds, eight ſhillings, and nine pence three farthings, for defraying the extraordinary expences of his Maſteſty's land forces in *Flanders*, in *North Britain*, and *America*, and of other ſervices, incurred in the year one thouſand ſeven hundred and forty ſeven, and not provided for by parliament; and any ſum or ſums of money, not exceeding twenty ſeven thouſand two hundred twenty four pounds, ſix ſhillings, upon account of half-pay to the reduced officers of his Maſteſty's land forces and marines, for the year one thouſand ſeven hundred and forty eight, ſubject to ſuch rules to be obſerved in the application of the ſaid half-pay, as are herein after preſcribed concerning the ſame; and any ſum or ſums of money, not exceeding three thouſand eight hundred eighty ſix pounds, eighteen ſhillings, and eight pence farthing, for paying of penſions to the widows of ſuch reduced officers of his Maſteſty's land forces and marines, as died upon the eſta bliſhment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thouſand ſeven hundred and ſixteen, for the year one thouſand ſeven hundred and forty eight; which ſaid ſum of three thouſand eight hundred eighty ſix pounds, eighteen ſhillings, and eight pence farthing, ſhall be iſſued to ſuch

such person or persons, as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

XVIII. And it is hereby also enacted, That out of all or any <sup>500,000 l. to</sup> the aids or supplies aforesaid, there shall and may be issued and <sup>discharge the</sup> applied any sum or sums of money, not exceeding five hundred <sup>like sum bor-</sup> thousand pounds, to enable his Majesty to discharge the sum of <sup>rowed, &c.</sup> five hundred thousand pounds, raised in pursuance of an act passed in the last session of parliament, and charged on the first aids or supplies to be granted in parliament, after the twenty ninth day of *September*, one thousand seven hundred and forty seven.

XIX. And it is hereby also enacted, That out of all or any <sup>20,000 l. for</sup> the aids or supplies aforesaid, there shall and may be issued and <sup>building the</sup> paid to the commissioners for building a bridge across the river <sup>bridge at</sup> *Thames*, from the city of *Windsor* to the opposite shore, in the <sup>Westminster.</sup> county of *Surrey*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of twenty thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

XX. And it is hereby also enacted, That out of all or any <sup>500,000 l. to</sup> the aids or supplies aforesaid, there shall and may be issued and <sup>enable his</sup> applied any sum or sums of money not exceeding five hundred <sup>Majesty to</sup> thousand pounds, upon account, to enable his Majesty to carry <sup>carry on the</sup> on the war with vigour both by sea and land, and to make good <sup>war.</sup> such treaties as are or shall be made with his Majesty's allies, for the year one thousand seven hundred and forty eight.

XXI. And it is hereby also enacted, That out of all or any <sup>183,649 l. 2 s.</sup> the aids or supplies aforesaid, there shall and may be issued and <sup>7 d. 2 q. to</sup> applied any sum or sums of money, not exceeding one hundred <sup>the province</sup> eighty three thousand six hundred forty nine pounds, two shil- <sup>of Massachu-</sup> lings and seven pence halfpenny, for reimbursing to the pro- <sup>setts Bay;</sup> vince of *Massachusetts Bay* the expences they have been at in taking and securing to the crown of *Great Britain* the island of *Cape Breton*, and its dependencies; and any sum or sums of mo- <sup>16,355 l. 13 s.</sup> ny, not exceeding sixteen thousand three hundred fifty five <sup>4 d. to the</sup> pounds, thirteen shillings, and four pence, for reimbursing to <sup>province of</sup> the province of *New Hampshire* their expences in the said expe- <sup>New Hamp-</sup> dition; and any sum or sums of money, not exceeding twenty <sup>shire;</sup> eight thousand eight hundred sixty three pounds, nineteen shil- <sup>28,863 l. 19 s.</sup> lings, and one penny, for reimbursing to the colony of *Connecti-* <sup>1 d. to the</sup> *cut* <sup>colony of Con-</sup> *necticut*;

6,321 l. 12 s.  
10 d. to the  
colony of  
Rhode Island,  
647 l. 15 s.  
to James Gibson  
esquire.

cut their expences in the said expedition; and any sum or sums of money, not exceeding six thousand three hundred thirty two pounds, twelve shillings, and ten pence, for reimbursing to the colony of *Rhode Island* their expences in the said expedition; and any sum or sums of money, not exceeding five hundred forty seven pounds, fifteen shillings, to *James Gibson* esquire, for his services and expences in the said expedition.

152,037 l. 12 s.  
2d. as a com-  
pensation for  
the heretable  
jurisdictions  
in Scotland.

XXII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred fifty two thousand thirty seven pounds, twelve shillings, and two pence, to enable his Majesty to make reasonable and just compensation and satisfaction for the heretable jurisdictions and offices in *Scotland*, as allowed by the court of session there, in pursuance of an act of the last session of parliament.

7,118 l. 5 s.  
9 d. to make  
good the defi-  
ciency of the  
stamp duties.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven thousand one hundred eighteen pounds, five shillings, and nine pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and forty six; and any sum or sums of money not exceeding thirteen thousand six hundred sixty pounds, eighteen shillings, and six pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruit or sugar, at *Michaelmas*, one thousand seven hundred and forty seven, and any sum or sums of money, not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest due at *Michaelmas*, one thousand seven hundred and forty seven, after the rate of three pounds ten shillings *per centum per annum*, on the principal sum of one million lent on credit of the salt duties, which were continued for six years, from *Lady day*, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five, and any sum or sums of money, not exceeding twenty nine thousand seven hundred sixty five pounds, nineteen shillings, and five pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the additional duties on wines at *Midsummer*, one thousand seven hundred and forty seven, and any sum or sums of money, not exceeding sixteen thousand three hundred sixty two pounds, eight shillings, and five pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty on licences for retailing of spirituous liquors, at *Lady-day*, one thousand seven hundred and forty seven, and any sum or sums of money, not exceeding thirty four thousand one hundred seventy seven pounds, seven shillings, and three pence half-penny, to replace to the said sinking fund the like sum paid out of

13,660 l. 18 s.  
6 d. to make  
good the defi-  
ciency of the  
duties on  
sweets.  
35,000 l. for  
interest on the  
salt duties.

29,765 l. 19 s.  
5 d. to make  
good the addi-  
tional duties  
on wines.

16,361 l. 8 s.  
5 d. to make  
good the defi-  
ciency on li-  
cences for spi-  
rituous li-  
quors.

14,177 l. 7 s.  
3d. to  
make good  
the deficiency  
on glass and

of

of the same, to make good the deficiency of the duties on glass and spirituous liquors, at *Midsummer*, one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding thirty nine thousand eight hundred forty six pounds, eleven shillings, and seven pence halfpenny, for making good the deficiency at *Christmas*, one thousand seven hundred and forty seven, of the said duties on glass and spirituous liquors; and any sum or sums of money, not exceeding five hundred seventy one thousand eight hundred twenty seven pounds, eighteen shillings, and seven pence, to make good the deficiency of the grants for the service of the year one thousand seven hundred and forty seven.

XXIV. And be it further enacted by the authority aforesaid, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament. And as to the said sum of twenty seven thousand two hundred twenty four pounds, six shillings, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXV. And whereas by an act of parliament made in the twentieth year of his Majesty's reign, (intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further

spirituous li-  
quors at Mid-  
summer.  
39,846 l. 11 s.  
-d. 29. at  
Christmas.

571,827 l. 18 s.  
7d. Deficiency  
of grants for  
the year 1747.

Rules to be  
observed in  
the applica-  
tion of the  
sum of  
27,224 l. 6 s.  
appropriated  
on account of  
half pay.



further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven, and for continuing the bounties on the exportation of *British and Irish* coarse lincens) *several supplies which had been granted to his Majesty, as is there mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity; or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf, any thing in this act, or the said former act to the contrary notwithstanding.*

The surplus of last year's half pay, to be applied to such objects as his Majesty shall direct

8,851 5s to the 2 troops of horse guards, &c. lately reduced.

XXVI. And it is hereby likewise enacted, That out of the monies or savings arising from the money granted by parliament, for the relief and provision of the widows of officers, who have been killed or died in the service, there shall and may be issued and applied, by any warrant or warrants of his Majesty, under his royal sign manual, any sum or sums of money, not exceeding eight thousand eight hundred fifty one pounds, five shillings, for defraying the charge of allowances to several officers and private gentlemen of two troops of horse guards, and three regiments of horse lately reduced, together with the incident charges arising therefrom, for the service of the year one thousand seven hundred and forty eight.

#### CAP. XXIV.

An act for building a church in the town of Liverpool, in the county palatine of Lancashire, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch there.

#### CAP. XXV.

An act for repairing the roads leading from Sutton Colefield common to the town of Walsall, and from Sneals Green to Walsall, and from Walsall to Park Brook, which divides the parishes of Wolverhampton and Walsall, and from Gibbet Lane to Wolverhampton, and from Compton to the end of the county of Stafford, and from Wolverhampton

ton to the Wergs, and from thence to Shifnal, and from the Wergs to Hales Heath, and from Wolverhampton to Cannock Wood in the road to Lichfield.

*Certain tolls granted for 21 years.*

# CAP. XXVI.

*An act for explaining, amending, and enforcing an act made in the eighteenth year of the reign of his present Majesty, intituled, An act for prohibiting the wearing and importation of cambricks and French lawns.*

**W**HEREAS by an act made in the eighteenth year of the reign of his present Majesty (intituled, An act for prohibiting the wearing and importation of cambricks and French lawns) it is (amongst other things) enacted, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and forty eight, it shall not be lawful for any person or persons whatsoever to wear in Great Britain, in any garment or apparel whatsoever, any cambrick or French lawn, under penalty to the informer of five pounds of lawful money of Great Britain, for every such offence, being thereof lawfully convicted by the oath or oaths of one or more witnesses or witnesses, before any one or more justice or justices of the peace, to be levied and recovered as is therein directed: and whereas it is further enacted by the aforesaid act, That from and after the said twenty fourth day of June, one thousand seven hundred and forty eight, if any person shall vend, utter, sell, or expose to sale, any cambricks or French lawns, made, or not made up, such person or persons so vending, uttering, selling, or exposing the same to sale (except for exportation only) who shall be thereof convicted, shall forfeit and pay the like sum of five pounds, to be recovered and levied as aforesaid. and whereas it is further provided and declared by the said act, That if any person shall, after the said twenty fourth day of June, one thousand seven hundred and forty eight, be prosecuted for wearing such cambrick or French lawn, and such person shall discover upon oath, before any one or more justice or justices of the peace, the person or persons who sold such cambricks or French lawns, to such person wearing the same, such person so discovering as aforesaid, shall be, and is thereby discharged from all penalties and forfeitures inflicted by the said act; and that the person or persons so selling such cambrick or French lawns, shall be liable to the penalties and forfeitures laid and inflicted by the said act: and whereas some doubts have arisen, or may arise, whether by the words of the said recited act any penalty can be inflicted, either upon the wearer of any such cambrick or French lawn, who shall discover the vender or seller thereof, or upon the vender or seller so discovered by the wearer thereof, in case it shall appear that the said cambrick or French lawn was sold to such wearer previous to the aforesaid twenty fourth day of June, one thousand seven hundred and forty eight; by which means such cambricks and French lawns may happen to be worn for a great number of years, without any penalty whatsoever laid or inflicted, either on the wearer or seller thereof, contrary to the true intent and meaning of the said act, so enacted:

ly advantageous to this kingdom: and whereas it may be difficult for many persons to ascertain upon oath, where or from whom such cambricks or French lawns were bought, which have been for any considerable time in their possession: for the avoiding therefore of all such doubts and difficulties as aforesaid, be it enacted and declared; and it is hereby enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, who after the twenty fourth day of June, one thousand seven hundred and forty eight, and before the twenty fifth day of March, one thousand seven hundred and forty nine, shall be prosecuted for wearing in or on any garment or apparel, any cambricks or French lawns, shall make an affidavit, or bring sufficient proof, or by the oath or affidavit of the husband or wife of the party accused, or by the oath or affidavit of any other credible person, before one or more justice or justices of the peace, that the same was bought on or before the twenty fourth day of June, one thousand seven hundred and forty eight, such wearer shall be, and is hereby discharged from any penalty or forfeiture inflicted by the said act.

Persons prosecuted for wearing cambrick, producing proof that the same was bought before 24 June, 1748, discharged.

The vender convicted of selling cambrick after 24 June, 1748 to be liable.

II. And be it further enacted by the authority aforesaid, That at any time from and after the twenty fourth day of June, one thousand seven hundred and forty eight, if any wearer of cambrick or French lawn, who shall be prosecuted by virtue of the said in part recited act for wearing the same, and who shall have purchased the same after the twenty fourth day of June, one thousand seven hundred and forty eight, shall discover to the satisfaction of the justice or justices, the vender or seller of such cambrick or French lawn, and likewise that the same was sold by such vender or seller after the said twenty fourth day of June, one thousand seven hundred and forty eight, so as such vender or seller be convicted, and become liable to the penalties and forfeitures laid and inflicted by the said act, then, and not otherwise, such wearer so prosecuted shall be and is hereby discharged from any penalty or forfeiture laid or inflicted by the said act; any thing in this or in the said act to the contrary notwithstanding.

Penalties to go to the informer.

III. And it is hereby further enacted by the authority aforesaid, That whenever any person informed against for wearing such cambrick or French lawn shall be excused from the penalty by discovering the vender or seller thereof, the penalty to be levied and inflicted on such vender or seller in every such case, shall go and belong to the person who informed against the wearer thereof.

IV. And whereas the penalties to which wearers of cambricks or French lawns are made subject, either by the said former law, or this present act, cannot in case the person convicted be a feme covert, be levied by law on the goods and chattles of her husband, by means of which the intent of the said former and of this present act may happen to be evaded: for remedy thereof, be it further enacted by the autho-

authority aforefaid, That in all cafes where the offender fhall, at the time of the offence committed, or at the time of the conviction, happen to be a feme covert, living with her husband, the penalties which fhould be levied on the goods and chattles of fuch offender, in cafe fhe had been then unmarried, fhall and may be levied on the goods and chattles of her husband; any law to the contrary notwithstanding.

Penalties incurred by a feme covert, to be levied on the goods of the husband.

V. And be it further enacted by the authority aforefaid, That if any milliner, fempftrefs, or other perfon whatfoever, fhall for hire, from and after the faid twenty fourth day of June, one thoufand feven hundred and forty eight, make up any cambrick or French lawn for, in, or upon any garment or wearing apparel, fuch milliner, fempftrefs, or other perfon, fhall be liable to the like penalties and forfeitures, as the fellers of cambrick or French lawn are liable to, by virtue of the faid act of the eighteenth year of his Majefty's reign, to be profecuted and levied, and the faid penalties and forfeitures to be applied in the like manner, as the feveral penalties and forfeitures are directed to be profecuted, levied, and applied, by this or the faid in part recited act.

Milliners making up cambricks, liable to the penalties.

VI. And be it further enacted by the authority aforefaid, That in all cafes wherein by this act an oath is required to be made and taken, the folemn affirmation of any perfon, being a Quaker, fhall and may be accepted and taken in lieu thereof; and that every inftance of wilful and corrupt falfe affirming, fhall fubject fuch perfon to the fame penalties and forfeitures, as he would by law have been liable to, if the fame matter had been declared upon oath or affidavit directed by this act.

Quakers affirmation to be taken.

Penalty of falfe affirming.

### C A P. XXVII.

An act for repairing the high road from Peirbridge to Kirkmerrington in the county of Durham, and from thence to the turnpike road at Tudhoe lane end in the faid county.

*Certain tolls granted for 21 years.*

### C A P. XXVIII.

*An act to explain and amend an act paffed in the fourteenth year of his Majefty's reign, intituled, An act for the prefervation of the publick roads in that part of Great Britain called England; and fo much of an act paffed in the third year of the reign of King William and Queen Mary, intituled, An act for the better repairing and amending the highways; and for fettling the rates of the carriage of goods, as relates to the fettling the rates of the carriage of goods.*

WHEREAS by an act paffed in the fourteenth year of his prefent Majefty's reign, intituled, An act for the prefervation of the publick roads in that part of Great Britain called England, it was enacted, That it fhould and might be lawful to and for all

4Geo.2.c.42.

trustees appointed, or thereafter to be appointed by any act or acts of parliament, for the repair of any highway in that part of Great Britain called England, or any five of them, at any or as many gate or gates, bar or bars, as they had erected, or should erect, for the receiving of any toll or tolls, to order, or cause to be built or erected, any crane, machine, or engine for weighing of carts, waggons, or other carriages, for the conveying of any goods and merchandize, except as therein is excepted, and to order all such carriages which should pass any such gate or bar, to be weighed, together with the loading thereof, and to take, over and above any toll granted, the sum of twenty shillings a hundred weight, for every hundred weight which every such carriage, together with the loading thereof, should weigh over and above the weight of sixty hundred : and whereas drivers toll-gates and turnpikes, erected and set up pursuant to several acts of parliament made for repairing and amending highways and publick roads, do stand and are situate at such places upon the said highways and roads respectively, as are not suitable or convenient for the erecting of proper engines and machines for the weighing of carriages as aforesaid ; and it would tend to the preservation of the said roads and highways, and the benefit of the publick, if such engines were erected at some other part of the said roads : and whereas several persons driving carts, waggons, and other carriages, do frequently (in order to avoid paying the said duty or penalty of twenty shillings) take out part of the loading from the said carriages before they come to the said weighing engines, and reload them again after they have passed the said engines, to the great damage and hurt of the said roads, and contrary to the intention of the said act : wherefore for remedying and preventing the said inconveniencies and mischiefs, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all commissioners or trustees, appointed or hereafter to be appointed for the repair of any highway in that part of Great Britain called England, or any five of them respectively, to order or cause to be built or erected any crane, machine, or engine, for the weighing of carts, waggons, or other carriages, upon any part of the road within their respective jurisdictions, and at such distance from any turnpike, bar, or toll-gate, erected and set up in or upon the same road, as they respectively shall think requisite and expedient ; and to cause all carriages travelling the said road (except such as are by the said act excepted) with their loading, to be weighed, and to take twenty shillings a hundred weight, for every hundred weight, which any such carriage with the loading thereof shall weigh, over and above sixty hundred weight ; and which duty or payment of twenty shillings per hundred as aforesaid, shall be taken, levied, and applied in the same manner, as by the said act is directed ; and all persons opposing the weighing the said carriages, or levying the said duty, shall be liable to the penalties by the said act inflicted on such offenders in the like case, to be levied and applied as is therein mentioned.

Trustees of the highways empowered to erect engines for the weighing of carriages,

and to take 20 s. for every hundred weight exceeding sixty ;

recovery and application of the fines.

Penalty of opposing.

II. And be it further enacted, That if any perſon ſhall, after the tenth day of *June*, one thouſand ſeven hundred and forty eight, unload or cauſe to be unladen any goods or merchandize, out of any waggon, cart, or other carriage (except ſuch as in the ſaid act is excepted) before ſuch waggon, cart, or carriage ſhall come to any weighing engine, erected or to be erected by virtue or in purſuance of this preſent act, or any other act, made or to be made for the repair or preſervation of any public highway or road within this kingdom, in order to avoid the payment of the ſaid duty of twenty ſhillings *per* hundred, or ſhall load or lay upon any ſuch carriage, after the ſame ſhall have paſſed any ſuch weighing engine, any goods, wares, or merchandize taken or laden from any horſe, cart, or other carriage, belonging to, or hired, or borrowed by the ſame waggoner or carrier, every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay to the commiſſioners or truſtees for repairing the road where any ſuch offence ſhall be committed, the ſum of twenty pounds, to be paid by, and recovered and levied upon the goods and effects of the owner of every ſuch waggon or carriage, in ſuch manner, as other forfeitures are by the ſaid act directed to be recovered and levied; and the ſame forfeitures ſhall be applied to the repair of the ſaid roads.

Penalty of unloading, in order to evade the 20s. fine.

III. And whereas by an act made and paſſed in the third year of <sup>3W.&M.c 12.</sup> the reign of King William and Queen Mary, intituled, An act for the better repairing and amending the highways, and for ſettling the rates of carriage of goods, it is enacted, That the juſtices of the peace of every county, and other place within the realm of England, or dominion of Wales, ſhould have power and authority, and they were thereby enjoined and required, at their next reſpective quarter ſeſſion after Eaſter, yearly, to aſſeſs and rate the prices of all land carriage of goods whatſoever, to be brought into any place within their reſpective limits and jurisdictions, by any common waggoner or carrier, to be certified and publiſhed in ſuch manner as is therein mentioned; and that no ſuch common waggoner or carrier ſhould take for the carriage of ſuch goods or merchandize, above the rates and prices ſo ſet, upon pain to forfeit for every ſuch offence the ſum of five pounds, to be levied and recovered as is by the ſaid act directed: and whereas no rates for the carriage of goods, from diſtant parts of the kingdom to the city of London, and places adjacent, have been yet ſettled, and ſeveral common waggons and carriers have from thence taken occaſion to enhance the price of carriage of goods to the prejudice and obſtruction of trade; be it therefore further enacted by the authority aforeſaid, That if any common waggoner or carrier ſhall, after the tenth day of *June*, one thouſand ſeven hundred and forty eight, demand and take any greater price for the bringing of goods to the city of London, or to any place within the bills of mortality, than is allowed and ſettled by the juſtices of the peace for the county or place from whence ſuch goods are brought, for the carrying of goods from London to the ſaid county or place, every ſuch carrier or waggoner ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds, to the uſe

Penalty of waggons demanding a greater price for carriage than allowed.

Clerks of the  
peace to certi-  
fy yearly the  
rates for car-  
riage.

of the party grieved, to be recovered and levied in the manner by the laſt-mentioned act directed, or by diſtreſs and ſale of his goods, by warrant under the hands and ſeals of any two juſtices of the peace for the counties of *Middleſex* or *Surrey*, or city of *London*, or city and liberty of *Weſtmiſter*; and the clerk of the peace for every county and place ſhall, immediately after *Eaſter* ſeſſion yearly, certify to the lord mayor of the city of *London*, and alſo to the reſpective clerks of the peace for the counties of *Middleſex* and *Surrey*, and city and liberty of *Weſtmiſter*, the rates and aſſeſſments made for the carriage of goods in purſuance of the ſaid act, in their reſpective counties and places, which certificate, or an atteſted copy thereof, ſigned by the officer to whom the ſame ſhall be ſo tranſmitted, ſhall be taken and deemed ſufficient evidence of the rates and prices ſet for the carrying of goods to any county or place.

Waggoner's  
name and  
abode to be  
written on the  
carriage.

IV. And for the better diſcovery of offenders againſt this preſent act, be it enacted, That every common waggoner or carrier ſhall, after the firſt day of *July*, one thouſand ſeven hundred and forty eight, place, write, or paint, or cauſe to be placed, written, or painted, upon ſome conspicuous part of his waggon or cart, before he ſhall uſe or drive the ſame, his chriſtian and ſurname, and the place of his abode, in large or capital letters, upon pain to forfeit for every ſuch offence the ſum of twenty ſhillings, to be levied and recovered as aforeſaid.

Limitation of  
actions.

V. And be it further enacted, That if any action or actions ſhall at any time or times hereafter be brought againſt any perſon or perſons whatſoever, for any matter or thing, which he, ſhe, or they ſhall do or cauſe to be done by virtue of or in execution of this act; that in ſuch caſe the defendant or defendants, in every ſuch action or actions, ſhall and may plead the general iſſue, and give this act, and the ſpecial matter in evidence, on any trial or trials to be hereafter had in ſuch action or actions; and that if the plaintiff or plaintiffs, in any ſuch action or actions ſhall diſcontinue ſuch action or actions, or become nonſuit, or if judgement ſhall be given againſt ſuch plaintiff or plaintiffs in ſuch action or actions, that then the defendant or defendants, in every ſuch action or actions, ſhall recover his or their treble coſts of ſuit; any law, cuſtom, or uſage whatſoever to the contrary in any wiſe notwithstanding.

General iſſue.

Treble coſts.

## CAP. XXIX.

*An act for the further relief of the orphans and other creditors of the city of London; and for other purpoſes therein mentioned.*

5 & 6 W. &  
M. c. 10.

WHEREAS by an act paſſed in the fifth and ſixth years of the reign of King William and Queen Mary (intituled, An act for relief of the orphans and other creditors of the city of London) it is amongſt other things enacted, That for and towards raiſing a perpetual fund to pay the yearly intereſt of four pounds on every

every hundred pounds due to the orphans and other creditors of the city of London, there should be paid on all sorts of coal or culm which should be imported into the port of the city of London, or the river of Thames within the liberty of the said city, upon the said river, from and after the nine and twentieth day of September, which should be in the year of our Lord one thousand seven hundred (over and above all other impositions and duties) the sum of six pence for every chaldron thereof, and for such sort of coals as are sold by the ton, for every ton thereof, containing two thousand weight, the like sum of six pence, which imposition of six pence was, by the said act, to continue from the said nine and twentieth day of September, 1711 and during the term of fifty year, and no longer and whereas it was further enacted by the said act, That from and after such time, as the aforesaid imposition of six pence thereby laid should cease and determine, all and every the manors, messuages, lands, tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the said city of London, in possession or reversion, should stand and be charged with the full yearly sum of six thousand pounds (over and above the yearly sum of eight thousand pounds, wherewith they were charged by the said act) towards the aforesaid perpetual fund and whereas, by means of the great fall of rents in the city of London, the estate of the said city is not sufficient to pay the said yearly sum of six thousand pounds, over and above the said yearly sum of eight thousand pounds, which the said city now pays, and have a sufficient residue to answer and defray the expences necessary for supporting the government and publick charges of the said city and whereas in case the said imposition of six pence per chaldron or ton of coals, should cease and determine on the nine and twentieth day of September, in the year of our Lord one thousand seven hundred and fifty, according to the said act, the residue of the funds appropriated by that act for the yearly payment of four pounds for interest on every hundred pounds principal money, due to the orphans and other creditors of the said city, together with the said additional yearly sum of six thousand pounds, would not be sufficient for that purpose therefore to enable the said city of London to defray the necessary expences of supporting the government and publick charges of the said city, and for the further relief of the orphans and other creditors of the said city, by securing to them the yearly interest of four pounds on every hundred pounds of their principal debt, until the said principal debt shall be paid off and discharged; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said imposition of six pence for every chaldron or ton of coals so imported, granted by the said act, to the mayor, commonalty, and citizens of the said city of London, during the term of fifty years, for the purposes therein mentioned, shall be and is hereby continued for the further term of thirty five years, from the expiration of the said term of fifty years; and that all and every the powers, authorities,

The duty of  
6d per chaldron  
on coals  
continued for  
35 years,



to be paid into  
the chamber  
of London.

3,000l. to be  
paid annually  
to the Mercers  
company.

Application of  
the residue.

After 29 Sep.  
1750, the re-  
venues of the  
city to be  
charged with  
2,000l. an-  
nually.

rities, directions, and provisions, contained in the said act, for the collecting, levying, and recovering of the said imposition, and all the penalties thereby imposed, and regulations therein made, for preventing of fraud and covin, shall remain and be in force, and by virtue of this shall and may be exercised and put in ure, for the collecting, levying, and recovering the said imposition, for and during all the time by this act limited and appointed for the payment thereof, as if the same were expressly mentioned in this present act; all which monies so to be received upon account of the said imposition hereby continued for the further term of thirty five years, shall, from time to time, be paid into the receipt of the chamber of the city of *London*, and shall be appropriated to the purposes herein after declared; that is to say, the yearly sum of three thousand pounds, for and during the said term of thirty five years, shall be paid by the chamberlain of the said city for the time being, out of the produce of the said imposition, to the wardens and commonalty of the mystery of *Mercers* of the city of *London*, by half-yearly payments; that is to say, on the twenty fifth day of *March*, and the twenty ninth day of *September*, or within fourteen days after the same respectively shall become due; to be applied by the said wardens and commonalty of the mystery of *Mercers* of the city of *London*, towards the payment of annuities, and other debts, in such manner as by any act of parliament is or shall be directed; and the residue of the produce of the said imposition, during the said term of thirty five years, shall be, and is hereby appropriated to make part of the aforesaid fund, for paying the interest on the principal debt owing to the orphans and other creditors of the said city of *London*, in the same manner as the present imposition of six pence on every chaldron or ton of coals, so imported as aforesaid, is by the said act appropriated.

II. And be it further enacted by the authority aforesaid, That from and after the said nine and twentieth day of *September*, which shall be in the year of our Lord one thousand seven hundred and fifty, all and every the manors, messuages, lands, tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the said city of *London*, in possession or reversion, shall stand and be charged with the full yearly sum of two thousand pounds and no more (over and above the said yearly sum of eight thousand pounds) which yearly sum of two thousand pounds is hereby appropriated and enacted to be applied to the same uses to which the said yearly sum of eight thousand pounds is by the said act made liable.

III. And whereas the fund appropriated by the said act, for payment of the yearly interest of four pounds for every hundred pounds of the principal debt due to the orphans and other creditors of the city of *London*, has produced a very large surplus (over and above sufficient to pay the said interest) including the sum of twenty one thousand seven hundred thirty five pounds, seventeen shillings, and nine pence, due from the mayor, commonalty, and citizens of the said city of *London*, to the said fund, on the twenty fourth day of June

now

now last past, to make good the yearly sum of two thousand pounds, which, by virtue of the said act, ought to have been raised on the personal estates of the several inhabitants within the said city: and where-as it is fit and reasonable, that the said surplus as also all other surplusses, which shall arise from the said fund, as settled by the said act, to the nine and twentieth day of September, which shall be in the year of our Lord one thousand seven hundred and fifty, and from the fund as settled by this act from the last-mentioned day, should be applied, from time to time, to pay off and discharge such part of the principal debt owing by the said mayor, commonalty, and citizens, under the said act, as the same will amount unto; be it therefore further enacted by the authority aforesaid, That the court of mayor and aldermen of the said city of London, shall be, and is hereby impowered and directed to order the chamberlain of the said city, out of any monies in his hands, arising from the impositions and duties appropriated to pay the said interest on the principal debt due to the orphans, and other creditors of the said city, after reserving sufficient monies to pay and discharge all interest which at that time may be due on the said principal debt, or such part thereof as shall be then unpaid, to pay to any person or persons, as the said court shall think fit, such sum or sums of money as shall be due to him, her, or them, for principal and interest, by virtue of the said act, giving three months notice to or for the person or persons so to be paid off and discharged; at the end of which three months, upon payment or tendering of the said monies due for principal and interest, to or for the person or persons to whom such notice shall be given, according to the provision hereby made, at the office of the said chamberlain, in Guildhall, London, then and from thenceforth the interest payable to such person or persons, to whom such notice, payment, or tender shall be given or made, shall cease and determine; nevertheless the monies so tendered shall be paid to such person or persons, upon their demand, and giving a discharge for the same; and the principal debt so paid off shall be annihilated.

Lord mayor and aldermen impowered to pay off the principal and interest due upon the recited act.

3 months notice of payment to be given.

IV. Provided, That no person, being an orphan of the said city of London, under the age of twenty one years, shall have the principal debt due to such orphan paid off and discharged, so long as there shall be any person, not an orphan under the age of twenty one years, proprietor of any part of the said principal debt due to the orphans and other creditors of the said city.

Orphans to be paid last.

V. And be it further enacted by the authority aforesaid, That after the said twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and fifty, the chamberlain of the city of London for the time being shall, as soon as may be, lay before each house of parliament an account of the surplus arisen from the said fund to the twenty fourth day of June preceding, with an account how much thereof shall have been then applied to the payment of the principal debt, and also how much of the said principal debt shall be then owing; and shall afterwards, every year, lay before each house of

Chamberlain to lay before the parliament an account of the surplus of the fund, and the debt undischarged.

parliament

parliament an account of the surplus, which shall have arisen in that year, to the twenty fourth day of *June* preceding, how much thereof shall have been then applied to the payment of the said principal debt, and how much of the said debt shall then remain unpaid.

Limitation of actions.

VI. And be it further enacted, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or in the execution of this act, such person or persons shall or may plead the general issue thereunto; and upon trial of any issue joined, may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover their costs; for which he or they shall have the like remedy, as in any case where costs by law are given to defendants.

General issue.

Publick act.

VII. And be it enacted by the authority aforesaid, That this present act shall be accepted, taken, and be reputed to be a general act of parliament; of which all and every the judge and judges of this kingdom, in all courts, shall take notice on all occasions whatsoever, as if it were a publick act of parliament relating to the whole kingdom.

### C A P. XXX.

*An act for encouraging the making of indico in the British plantations in America.*

**W**HEREAS the making of indico in the British plantations in America would be advantageous to the trade of this nation as great quantities are used in dying the manufactures of this kingdom; which at present being furnished from foreign parts, the supply of that necessary commodity is become at all times uncertain, and the price frequently exorbitant: and whereas the culture thereof has been found to succeed so well in the provinces of South and North Carolina, that there is reason to hope, by a proper encouragement, the same may be increased and improved to such a degree, as not only to answer all the demands of his Majesty's British subjects, but furnish considerable quantities to foreign markets; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty nine, all and every person or persons who shall import, or cause to be imported into this kingdom, directly from any of the *British* colonies or plantations in *America*, in any ship or vessel, ships or vessels, that may lawfully trade to his Majesty's plantations, manned as by law is required, any good and merchantable indico, free from any false mixtures, and fit for dyers use, being the growth or product of the colony or plantation from whence the same is imported, shall have, and be intitled to, a reward or *Premium* for such importation, after the rate of sixpence for every pound weight of such

6d, per pound  
Premium allowed on the importation of indico, of the growth of the British plantations.

ſuch indico ſo imported as aforeſaid, under ſuch regulations as are herein after-mentioned, to be paid upon demand to the importer of ſuch indico, by the collector of the port where the ſame ſhall be imported, out of the cuſtoms; and in caſe the collector of the port where the ſame ſhall be imported, ſhall not have money ſufficient in his hands, he is hereby required to certify the ſame to the commiſſioners of the cuſtoms, who ſhall cauſe the ſame to be paid by the receiver general of his Maſteſty's cuſtoms (the bounty of the indico imported into *England*, to be paid by the receiver general of the cuſtoms in *Eng<sup>d</sup>*, and of that imported into *Scotland* to be paid by the receiver general there.)

II. And in order to intitule the importer of the aforeſaid indico to ſuch *Præmium*, as well as to prevent frauds by importing foreign plantation-made indico, or any falſe mixtures in what is made in the *Britiſh* plantations, with a view of recovering the *Præmium*; be it further enacted by the authority aforeſaid, That all and every perſon or perſons, merchant, trader, or factor, loading any indico on board any ſhip or veſſel, in any of the *Britiſh* colonies or plantations in *America*, ſhall, before the clearing out of the ſaid ſhip for any port of *Great Britain*, produce to the governor, lieutenant governor, collector, and comptroller of the cuſtoms, and naval officer, or any two of them, a certificate or certificates, ſigned and ſworn to before any juſtice of the peace in the ſaid *Britiſh* colonies or plantations, by the planter or planters of the ſaid indico, or his or their known agent or factor, that a quantity of indico, expreſſing the weight thereof, had been ſent from the ſaid planter's indico work or plantation, where the ſame was made, in order to be ſhipped off, or ſold by him to the perſon or perſons therein named, and was of the growth and produce of the ſaid planter's plantation, ſituate in the diſtrict, diviſion, or pariſh of within the iſland or colony of which ſaid certificate or certificates ſhall be atteſted by the ſaid juſtice of the peace to have been ſigned and ſworn to in his preſence, who is hereby required to do the ſame without any fee or reward.

III. And be it further enacted, That the perſon or perſons, merchant, trader, or factor ſhall, at the time of his producing ſuch certificate, ſign alſo a certificate before the ſaid governor, lieutenant governor, collector, and comptroller of the cuſtoms, and naval officer, or any two of them, that the indico which he or they have ſhipped on board the ſaid ſhip or veſſel, is the ſame mentioned in the ſaid certificate or certificates; and thereupon the ſaid governor, lieutenant governor, collector, and comptroller of the cuſtoms, and naval officer, or any two of them, are hereby authorized and required to deliver to ſuch perſon or perſons a certificate, under their hands and ſeal of office, of his or their having received ſuch certificate or certificates; and that at the ſame time one or more certificate or certificates of the ſeveral planter or planters, their known agent or factor, had been produced to, and left with them, purſuant to the directions of

Perſons load-  
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Officer to cer-  
tify ſuch cer-  
tificates.

this act ; and no perſon or perſons whatſoever importing indico, into *Great Britain*, ſhall be entitled to the *Premium* or reward by this act granted, unleſs ſuch perſon or perſons ſhall produce ſuch certificate to the chief officer of the cuſtoms at the port in *Great Britain*, where the ſame ſhall be imported.

Certificates to be given by the maſter of the veſſel and by the officers of the cuſtoms.

IV. And be it further enacted by the authority aforeſaid, That on the importation of any indico into *Great Britain*, a certificate ſhall be given by the maſter or commanding officer of ſuch ſhip or veſſel importing ſuch indico, that the ſame was ſhipped on board ſuch ſhip or veſſel, within ſuch *Britiſh* colony or plantation in *America*, as is mentioned in the ſaid certificate ; and alſo a certificate ſigned by the ſurveyors, land waiters, or ſearchers, or any two of them, officers of the cuſtoms of the port where the ſame is entered and landed in *Great Britain*, ſpecifying the weight thereof, and that the ſaid indico is good and merchantable, free from falſe mixtures, and of ſuch quality as to be intitled to the ſaid *Premium* or reward ; which certificate the ſaid officers are hereby required to grant within ten days next after the landing thereof, unleſs they can aſſign ſufficient cauſe for their reſuſal ; upon producing which ſeveral certificates to the proper officer as aforeſaid, ſuch officer ſhall be, and is hereby required to pay the *Premium* to the importer of the ſaid indico.

Penalty of making entry of foreign-made indico, or any falſe mixture.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall make or cauſe to be made, an entry or entries of foreign-made indico, under the name of *Britiſh* plantation-made indico, or ſhall mix, or cauſe to be mixed, any foreign indico, or other falſe mixture or matter, with that made in the *Britiſh* plantations, in order to claim or recover the *Premium*, as before-mentioned, every perſon or perſons ſo making, or cauſing to be made, ſuch entry or entries, or mixing, or cauſing ſuch mixtures to be made, ſhall forfeit all ſuch indico ſo entered ; and in caſe of ſuch mixture, the quantity ſo mixed, both foreign and *Britiſh* plantation-made, and likewiſe double the value thereof, ſhall be forfeited by the perſon or perſons who ſhall make or cauſe ſuch mixture or mixtures to be made.

VI. And be it further enacted by the authority aforeſaid, That no certificate ſhall be made out to allow the *Premium* for ſuch indico to be made in, and imported from the *Britiſh* plantations, that is not good and merchantable, and free from any falſe mixture.

Officers of the cuſtoms to examine the indico.

VII. And that the officers of the cuſtoms may be the better able to diſcover any frauds intended for the receiving the aforeſaid *Premium*, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid officers, and they are hereby required, before they make out any ſuch certificate, to examine the ſaid indico, by opening each package, and ſhifting the ſame, in ſuch manner as to ſee the whole contents, or by ſuch other means as they ſhall think proper, to find out and dif-

diſcover whether the indico is good and merchantable, and free from any falſe mixture.

VIII. And in order to fix the ſtandard of ſuch indico as ſhall be intitled to the *Premium* aforeſaid, be it further enacted by the authority aforeſaid, That no certificate ſhall be granted by any ſurveyor, or other officer of his Maſteſty's cuſtoms, for any indico, which is not worth three ſhilling the pound weight, when the beſt *French*, or other indico, of equal goodneſs with the beſt *French*, is worth four ſhillings the pound weight; and ſo in the ſame proportion, in caſe the price of the beſt *French*, or other indico of equal goodneſs, ſhall be at a higher or lower price.

Standard of indico intitled to the *Premium*.

IX. Provided always, That in caſe any doubt or diſpute ſhall ariſe between the ſurveyors, or officers of the cuſtoms, and the owners or importers of ſuch indico as is imported into the port of *London*, as to the quality of the ſame, it ſhall and may be lawful for the commiſſioners of his Maſteſty's cuſtoms, to call two or more dyers, dry ſalters, brokers, or others, well ſkilled, in that commodity, who ſhall declare upon oath, if required, their opinion, as to the quality of the ſame, and according to the beſt of their judgement determine whether the ſaid indico is, intitled to the *Premium* hereby granted or not; and if any doubt or diſpute ſhall ariſe, as to the quality of the indico imported as aforeſaid, into the out-ports in *England*, ſamples thereof ſhall be taken and ſent up to the commiſſioners of the cuſtoms at *London*, and into the out-ports in *Scotland*, to the commiſſioners of the cuſtoms at *Edinburgh*, in ſuch manner, as the reſpective commiſſioners ſhall direct, in order to be inſpected and adjudged there as before mentioned.

Method of ſetting diſputes about the quality.

X. And be it further enacted by the authority aforeſaid, That no fee, gratuity, or reward ſhall be demanded, taken, or received by any officer of his Maſteſty's cuſtoms, for the examining, viewing, or delivering ſuch indico, with reſpect to the *Premium* or reward allowed by this act, or for the ſigning any of the certificates, in order to the receiving ſuch *Premium* or reward, or for paying the ſame, and any ſuch officer demanding or taking ſuch fee or reward, ſhall, for ſuch offence, forfeit his office, and ſuch officer ſhall alſo be incapable of ſerving his Maſteſty, his heirs and ſucceſſors, and ſhall forfeit the ſum of one hundred pounds.

No fee to be paid to the officers.

XI. And be it further enacted by the authority aforeſaid, That all certificates made, or debentures made out purſuant to this act, ſhall not be chargeable with any of the ſtamp duties; any law or ſtatute to the contrary notwithstanding.

Certificates not chargeable with ſtamp duties.

XII. And be it further enacted by the authority aforeſaid, That if any indico, made in the *Britiſh* colonies or plantations in *America*, ſhall, after the twenty fifth day of *March*, which ſhall be in the year of our Lord one thouſand ſeven hundred and forty nine, be exported from *Great Britain*, that then and in every ſuch caſe the perſon or perſons ſo exporting the ſame, ſhall, before the entry thereof, pay unto the collector of the cuſtoms at the port where the ſame ſhall be exported or to the chief

Exporters to repay the *Premium*.

chief officer of the customs there, the full sum of sixpence for every pound weight, which is allowed as a *Premium* by this act on all such indico as he intends to export, over and above any duty the same is now by law subject to pay at exportation by any former act.

Penalty of exporting indico without paying the *Premium*.

XIII. And be it further enacted by the authority aforesaid, That if any person or persons, his or their agent or agents, assignce or assigns, shall be found fraudulently to export such indico, without paying such *Premium* to the collector or chief officer of the customs as aforesaid, such person or persons shall forfeit and lose all such indico, and double the value thereof.

Owner to prove the growth.

XIV. Provided always, That if any doubt or dispute shall arise, whether any of the said indico, or any part thereof so to be exported, is of the growth, product, and manufacture of the *British* plantations in *America*, or of foreign growth, product, or manufacture, the *Onus probandi* shall lie on the owner or claimer thereof, and not on the informer or prosecutor; any law, custom, or usage to the contrary notwithstanding.

Penalty of granting false certificates.

XV. And be it enacted by the authority aforesaid, That if any governor, lieutenant governor, collector, or comptroller of the customs, naval officer, merchant, trader, or factor, or master or commander of any ship or vessel, or any other person or persons, shall during the continuance of this act, falsely make a certificate of the produce and manufacture of any indico, not being the produce and manufacture of the *British* plantations in *America*, or shall counterfeit any such certificate as herein before is directed to be made, in order to obtain the *Premium* hereby granted for indico made in the *British* plantations in *America*, all and every such person and persons shall forfeit the sum of two hundred pounds; and if such person or persons so offending, shall be a collector, comptroller, or naval officer, or any other officer of the customs, he shall also forfeit and lose his office, and be incapable of serving his Majesty, his heirs and successors.

Penalties how to be recovered.

XVI. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures by this act inflicted, shall and may be prosecuted, determined, and recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, or in any of the courts of admiralty in his Majesty's plantations in *America* respectively, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Application of the forfeitures.

XVII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed shall, if in *Great Britain*, be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same; and all such penalties and forfeitures as shall be incurred in his Majesty's plantations in *America*, shall be applied, one third part thereof to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the governor of the plantation where the forfeiture shall

shall be incurred, and the remaining third part to such person or persons who shall sue for the same.

XVIII. And be it further enacted by the authority aforesaid, <sup>Limitation of actions.</sup> That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, every such action or suit, if in *Great Britain*, shall be commenced within six months next after the fact committed; and if in the *British colonies or plantations in America*, within eighteen months next after the fact committed, and not afterwards; and the defendant or defendants, in any such action or suit, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for <sup>Treble costs.</sup> the same, as any defendant or defendants have in other cases by law.

XIX. And be it further enacted by the authority aforesaid, <sup>Act to be in force for 7 years.</sup> That this act, and all the powers and authorities therein contained, shall continue and be in force for and during the term of seven years to commence from the twenty fifth day of *March*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament, and no longer.

### CAP. XXXI.

#### *An act for relief of insolvent debtors. E X P.*

WHEREAS many persons by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and by several acts of parliament have been discharged: for the relief therefore of insolvent prisoners, who shall faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses, which in a great measure have obstructed the good ends of such acts, be it enacted, &c.

Sheriffs and gaolers to deliver a list of their prisoners, &c. to the justices, &c. Oath to be entered at the end of every list. To be kept by the clerk of the peace. Sheriffs and gaolers to set up three or more lists at the entrance into the prisons. Persons inserted in the lists, and prisoners, on 1 Jan. 1747. shall be discharged. They are to deliver in a schedule of their estates, &c. and make oath. Schedule to remain with the clerk of the peace, who is to assign the effects to the assignees, to be divided among the creditors. Assignees of copyhold estates to agree with the lord of the manor. On such agreement, lord to grant to the assignees the copyhold. Not to affect any estate in expectancy. Rent due from a prisoner, the goods



goods to be transferred to the landlord. This act not to extend to mortgages, nor to prevent any statute-staple, &c. Power of leasing lands, &c. claimed by any prisoner, vested in the assignees. Justices who grant warrants for bringing prisoners to the quarter-sessions, shall give notice to be served on the creditor. Prisoners to give like notice to the creditors, and publish notice in the London Gazette 30 days before the sessions. The prisoner's oath not being disproved, &c. the justices are to discharge him. Court, if required by the creditor, to administer an oath to the gaoler. Debtors beyond sea on 1 Jan 1747 may surrender themselves, and be intitled to the benefit of this act, but subject to the same restrictions, as the other prisoners. 100l. penalty on gaolers not complying with the act, and printer of the London Gazette. Gaolers forswearing themselves, to forfeit 500l. Gaolers inserting wrong names in their lists, to forfeit 200l. Clerk of the peace, not giving a duplicate to the prisoner of his discharge, to forfeit 20l. Prisoner forswearing himself, guilty of felony. Prisoner discharged for debts before 1 Jan 1747, shall not be imprisoned for the same again. Discharge of prisoners not to acquit any other. Judgements to stand good against his lands, &c. Persons discharged may plead generally in discharge of their persons from execution. Bankrupts not obtaining a certificate, &c. not benefited hereby. Attornies not to be discharged from debts received, and due by them to their clients. Not to extend to Scotland. Gaoler to permit persons to see those whose names are in the lists, &c. under penalty of 40l. Prisoners not declaring the person at whose suit he is detained, or not coming, to receive no benefit. Gaoler making false entries, forfeits 1000l. Petitioner to leave with the justices a copy of his intended discovery. Justices of York and Lincoln to meet at the common gaols of the counties. Debtors in gaols only for fees, discharged. Not to discharge debtors to the crown, or owing above 500l to one person. Creditors to allow not exceeding 3s 6d. per week for his maintenance. Discharges to be obtained before 25 Dec. 1750, or excluded. Prisoners removed from one prison to another, both gaolers to make affidavit. Prisoners in the Fleet or King's Bench by Habeas Corpus, &c. to have the benefit of this act. Persons seized of an estate tail claiming the benefit of this act, to deliver the same to their creditors. Assignees to apply to two justices to examine persons who shall obtain their discharge, for discovery of estates, &c. Refusing to appear, or to be sworn, justices may commit them. Discoverers of the debtors estates in 12 months after discharge, to have 20l per cent. Discharge obtained fraudulently, void. Creditors may compel debtors who choose to continue in prison, to give an account upon oath of their effects, &c. on 30 days notice in the London Gazette. Such prisoners to be examined as the rest. Assignees empowered to make composition with debtors to the prisoner. Disputes to be settled by arbitrators. Courts at Westminster, on complaint, may remove assignees. On mutual credit, assignees to allow the balance. Prisoners upon processes out of courts of conscience to have the benefit of this act. Quakers affirmation to be taken, &c. Persons who had the benefit of the act of 16 Geo 2 c 17. excluded.

### C A P. XXXII.

*An act for the relief of the annuitants of the wardens and commonalty of the mystery of Mercers of the city of London.*

**W**HEREAS by indentures of lease and release, bearing date respectively the third and fourth days of October, one thousand six hundred and ninety nine, and enrolled in the high court of Chancery, the wardens and commonalty of the mystery of Mercers of the city of London, for the considerations therein mentioned, did grant and release unto Sir William Hedges, and several other persons therein named as trustees, their heirs and assigns, divers messuages or tenements, tofts, gardens, grounds, and hereditaments, of and belong-  
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ing to the said wardens and commonalty, situate and being in the city of London, and in the county of Middlesex, therein more particularly mentioned and described, with their and every of their appurtenances, together with one full moiety of all that great fabrick and place called the Royal Exchange, London, and other tenements and hereditaments in, under, upon, or near unto the same, therein more particularly mentioned and described; and also all that the manor of Merceus, with the sites, members, and appurtenances thereof, lying and being in the county of Londonderry in Ireland, and divers other lands, tenements, and hereditaments in Ireland, in the same indentures more particularly mentioned and described, upon trust, in the first place, to satisfy and pay, out of the rents and profits thereof, all such charitable gifts and payments which with the said premises were charged, mentioned in the schedule to the said indenture of release annexed; and in the next place to pay, first and clear of all taxes and charges, all and every the annuities to be granted by the said wardens and commonalty, at the rate of thirty pounds per centum per annum, during the respective lives of the wives of clergymen, or of other persons, that should survive their husbands, to commence from such of the feasts of the annunciation of the blessed Virgin, or Saint Michael the archangel, as should happen within five months after the death of their respective husbands, and after payment of such annuities, in trust for the said wardens and commonalty, and their successors for ever, and whereas by indentures of lease and release, bearing date respectively the fifteenth and sixteenth days of May, one thousand seven hundred and seventeen, enrolled in the high court of Chancery, the same premises were charged with the payment of such future annuities as should be granted by the said company at the rate of twenty five pounds per centum per annum: and whereas by indenture enrolled in the said court of Chancery, bearing date the twenty fourth day of May, one thousand seven hundred and twenty three, and made between the said wardens and commonalty of the one part, and the surviving trustees named in the said indenture of release of the other part, the said day of May, one thousand seven hundred and seventeen, of the other part; it is declared and agreed, That all such annuities to be granted by the said wardens and commonalty, after the twenty fourth day of June then next ensuing, should be only after the rate of twenty pounds per centum, and no more: and whereas by indentures of lease and release, bearing date the first and second days of June, one thousand seven hundred and forty one, Richard Chiswell and others, Sir Thomas Webster, David Papill n, and Clement Fookie, therein named, being then the only surviving trustees of the said indentures of lease and release of the fifteenth and sixteenth of May, one thousand seven hundred and seventeen, did by the express and appointment of the said wardens and commonalty, grant and convey the said several trust estate, to the use of themselves, and other trustees therein named, their heirs and assigns upon such trusts, and to avoid for such intents and purposes, and under and subject to such provisos and agreements as are mentioned, expressed, and declared, of and concerning the same premises, in and by the said two indentures of release, and the said in-

indenture of the twenty fourth day of May, one thousand seven hundred and twenty three, herein before mentioned or recited, save and except as to future annuities, to be granted by the said wardens and commonalty, which were only to be at the rate of fifteen pounds per centum per annum: and whereas by indenture enrolled in the said court of Chancery, bearing date the twenty third day of July, one thousand seven hundred and forty two, and made between the said wardens and commonalty of the one part, and the trustees named and appointed in and by the said indenture of the second of June, one thousand seven hundred and forty one, of the other part; liberty was given to the said wardens and commonalty for the future, to grant such annuities at the rate of twenty pounds per centum per annum: and whereas the present clear income of the said estates does not exceed four thousand one hundred and fifty pounds a year, and the annuities now due and payable by the said wardens and commonalty to the several and respective annuitants amount unto seven thousand five hundred pounds a year, and upwards; and the arrears of such annuities, due and owing to the said annuitants at Michaelmas, one thousand seven hundred and forty seven, amounted to the sum of nine thousand six hundred twenty eight pounds, two shillings, and six pence; so that the estates settled for the payment of such annuities are not sufficient for that purpose, and many of the said annuitants now are in a very distressed condition: and whereas several persons have heretofore given or left unto the said wardens and commonalty several estates and sums of money for certain charitable uses: and whereas the Royal Exchange of the city of London was, by the dreadful fire in the year one thousand six hundred and sixty six, consumed; and the said wardens and commonalty, together with the city of London, were at a very great expence in rebuilding the same: by which means, and by other publick losses and misfortunes, the said wardens and commonalty have long laboured under great difficulties, and have taken up and borrowed great sums of money upon bonds, and are otherwise become indebted in a much greater sum than they are able to pay and satisfy: and whereas by an act of this session of parliament, intituled, An act for the further relief of the orphans and other creditors of the city of London, and for other purposes therein mentioned; it is enacted, That the imposition of six pence per chaldron on every chaldron of coals or culm, and of six pence per ton on every ton of coals usually sold by the ton, which was by an act of the fifth and sixth years of the reign of the late King William and Queen Mary, intituled, An act for the relief of the orphans, and other creditors of the city of London, granted to the mayor and commonalty, and citizens of the city of London, on all sorts of coals or culm, which should be imported into the port of the city of London, from and after the twenty ninth day of September, in the year of our Lord one thousand seven hundred, for and during the term of fifty years, shall be continued and paid for and during the term of thirty five years, from the expiration of the said term of fifty years, and no longer; and that the monies arising thereby shall be paid into the receipt of the chamber of the city of London, and appropriated to the purposes therein after declared; that is to say, the yearly sum of three thousand

*and pounds for and during the said term of thirty five years, shall be paid by the chamberlain of the said city, for the time being, out of the produce of the said imposition, to the wardens and commonality of the mystery of Mercers of the city of London, by half-yearly payments; that is to say, on the twenty fifth day of March, and the twenty ninth day of September, or within fourteen days after the same shall respectively become due, to be applied by the said company of Mercers towards the payment of annuities, and other debts, in such manner as by an act of parliament is or shall be directed, may it therefore please your most excellent Majesty that it may be enacted, &c.*

A general account to be made out of the sums if it shall be due to the annuitants on 29 Sept. 1750 to be entered in a book, and signed by the wardens. Clerk to deliver to annuitants requesting it a note of the sum due. The debt deemed to be a principal sum, and to carry 3l per cent. interest. The yearly sum of 3000l payable by the chamber of London, shall be applied towards payment of the annuities, and the surplus to the interest of the annuities, &c. And afterwards to the other creditors. Annual meeting of the annuitants, shall chuse nine auditors of the accounts. Court of assisants to examine the accounts, if no auditors are chosen, or refuse to attend. An account of the receipts and application of the monies to be laid before parliament. Money due may be transferred. Assignment of annuities made since 29 September, 1745, declared redeemable. Wardens restrained from taking in further subscriptions for annuities. Differences between warden and annuitants to be determined by the court of exchequer. Wardens &c. empowered to grant building leases, and to lease their estates in Ireland, and Long Acre in Middlesex. Deeds of annuities not affected by this act. *Amended 24 Geo 2 c 14.*

## CAP. XXXIII.

*An act to continue and amend several laws for the relief of debtors with respect to the imprisonment of their persons, and to rectify a mistake in an act passed in the last session of parliament for continuing several laws therein mentioned; and to continue two acts, the one passed in the nineteenth year, the other in the twentieth year of his present Majesty's reign, to prevent the spreading of the distemper amongst the horned cattle.*

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring, may it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and content of the lords spiritual and temporal, and common, in this present parliament assembled, and by the authority of the same, That an act made in the second year of the reign of his present Majesty, intituled, *An act for the relief of debtors with respect to the imprisonment of the principals*, which was to continue in force for the term of five years, and from thence to the end of the then next session of parliament, and was explained and amended by an act made in the third year of the reign of his present Majesty, and which by another act made in the eighth year of the reign of his present Majesty, was

24 Geo. 2.  
34.

further explained, and amended, and continued, until the twenty fifth day of *March*, one thousand seven hundred and forty, and from thence to the end of the then next session of parliament; and which by another act made in the fourteenth year of the reign of his present Majesty, with the several clauses and articles therein contained (except the clause in the said last-mentioned act, for setting mutual debts one against the other, which by the said act is made perpetual) was further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; and the several articles and clauses therein contained, not hereby altered, except the clause for setting mutual debts one against the other, which is already made perpetual, shall, together with the alterations and amendments herein after made, be and remain in full force and virtue, until the first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

Persons claiming benefit of the recited act, to set forth an account of their real and personal estate,

II. And for the better preventing persons who take the benefit of the said recited act, made in the second year of his present Majesty's reign, from concealing or fraudulently disposing of their effects, be it enacted by the authority aforesaid, That from and immediately after the expiration of this present session of parliament, every person who shall exhibit a petition in pursuance of the said recited act, shall, in such petition, not only set forth an account of all the real and personal estate, which such person so petitioning was intitled to at the time of his or her petition, but also of all the real and personal estate which he or she was intitled to at the time of his or her first imprisonment, in the action in which such person is charged in execution; and every person so petitioning shall, instead of the oath required by the said recited act, take, and the court shall administer an oath to the effect following, *videlicet*;

and take the following oath.

**I** A. B. do swear, in the presence of Almighty God, That the account by me delivered into this honorable court, in my petition to this court, doth contain a true and full account of all the real and personal estate, debts, credits, and effects whatsoever, which I or any in trust for me, at the time of my first imprisonment in this action, or at any time since, had or was in any respect intitled to in possession, reversion, or remainder (except the wearing apparel, and bidding for me and my family, and the tools or instruments of my trade or calling, not exceeding ten pounds in value in the whole) and also an account how much of such real and personal estate, debts, credits, or effects, hath been since disposed of, released, or discharged, and how, to whom, and on what consideration, and for what purpose, and how much thereof, I or any in trust for me have, or at the time of my said petition had, or am or was in any respect intitled to in possession, remainder, or reversion; and that I have not, at any time before or since my imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned or otherwise disposed of, or made over in trust for myself,

myself, or otherwise than is mentioned in such account, any part of my lands, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or to defraud any of my creditors to whom I am indebted.

III. And whereas an act made in the eighth year of the reign of his late Majesty, intituled, An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine; and to subject copper ore of the production of the British plantations, to such regulations as other enumerated commodities of the like production are subject; which was to be in force for two years, from the twenty fifth day of March, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and by several subsequent acts (except the clause obliging all ships and vessels to perform quarantine) was to have further continuance, to the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament: and whereas by an act made in the twentieth year of the reign of his present Majesty, the said act was intended to be further continued to the first day of June, one thousand seven hundred and fifty four, but by mistake, the year one thousand seven hundred and forty seven was inserted therein, instead of the said year one thousand seven hundred and fifty four; therefore for rectifying the said mistake, be it further enacted by the authority aforesaid, That the said act shall be, and is hereby further continued, from the expiration thereof, until the first day of June, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

IV. And whereas an act made in the nineteenth year of the reign of his present Majesty (intituled, An act to enable his Majesty to make rules, orders, and regulations more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom) which was to continue and be in force for the space of eight months, and to the end of the then next session of parliament; and by an act made in the twentieth year of the reign of his present Majesty, was explained, amended, and continued, and to be in force with the said last-mentioned act, for the space of eight months, from the tenth day of January, one thousand seven hundred and forty six, and from thence to the end of the then next session of parliament: and whereas the contagious distemper still continues to rage amongst the oxen, bulls, cows, calves, steers, and heifers, in several parts of this kingdom; be it therefore further enacted by the authority aforesaid, That the said acts of the nineteenth and twentieth years of the reign of his present Majesty, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of September, one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament.

## C A P. XXXIV.

*An act to amend and enforce so much of an act made in the nineteenth year of his Majesty's reign, as relates to the more effectual disarming the Highlands in Scotland, and restraining the use of the Highland dress, and to masters and teachers of private schools and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of episcopal ministers in Scotland; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practising in the courts of session and justiciary, to take the oaths; and to repeal some clauses in an act made in the first year of the reign of his late majesty King George the First, whereby certain encouragements are given to landlords and tenants in Scotland, who should continue in their duty and loyalty to his said late Majesty; and for other purposes therein mentioned.*

1, Geo. 2.

c. 39

See 26 Geo. 2.

c. 29.

**W**HEREAS by an act made in the nineteenth year of the reign of his present Majesty, intituled, An act for the more effectual disarming the highlands in Scotland; and for more effectually securing the peace of the said highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and government, during the unnatural rebellion; and for indemnifying the judges and other officers of the court of justiciary in Scotland, for not performing the northern circuit in May, one thousand seven hundred and forty six; and for obliging the masters and teachers of private schools in Scotland, and chaplains, tutors, and governors of children or youth, to take the oaths to his Majesty, his heirs or successors, and to register the same; it was amongst other things enacted, That from and after the first day of August, one thousand seven hundred and forty six, it should be lawful for the respective lords lieutenants of the several shires of Dunbartain, Sterling, Perth, Kincardin, Aberdeen, Inverness, Nairn, Cromarty, Argyle, Forfar, Barmff, Sutherland, Caithness, Elgin, and Ross; and for such other person or persons as his Majesty, his heirs or successors should by his or their sign manual, from time to time, think fit to authorize and appoint in that behalf, to issue or cause to be issued out letters of summons in his Majesty's name, and under his or their respective hands and seals, directed to such persons within the said several shires and bounds, as he or they from time to time shall think fit; thereby commanding and requiring all and every person and persons therein named, or inhabiting within the particular limits therein described, to bring in, and deliver up, at a certain time and place, in such summons to be mentioned, all and singular his and their arms and warlike weapons, unto such lord lieutenant, or other person or persons so to be authorized or appointed in that

that behalf as aforesaid, for the use of his Majesty, his heirs or successors, and to be disposed of in such manner, as his Majesty, his heirs or successors should appoint; and that if any person or persons in such summons mentioned by name, or inhabiting within the limits therein described, should be convicted in manner therein mentioned, of having or bearing any arms or warlike weapons, after the day prefixed in such summons, every such person or persons should forfeit the sum of fifteen pounds sterling, and should be committed to prison, until payment of the said sum, and if any person or persons convicted as aforesaid, should refuse or neglect to make payment of the aforesaid sum of fifteen pounds sterling, within the space of one calendar month from the date of such conviction, then any one or more of his Majesty's justices of the peace, or the judge ordinary of the place, where such offender or offenders was or were imprisoned (in case he or they shall judge such offender or offenders fit to serve his Majesty as a soldier or soldiers) were thereby respectively authorized and required to cause him or them to be delivered over to such officer or officers, as is therein mentioned, to serve as soldiers in any of his Majesty's forces in America. and that after reading the articles of war against mutiny and desertion, and making such entry and certificate thereof as is thereby directed, every person so delivered over should be deemed a lifted soldier to all intents and purposes, and should be subject to the discipline of war, and in case of desertion, should be punished as a deserter, and that in case such offender or offenders should not be judged fit to serve his Majesty as aforesaid, then he or they should be imprisoned for the space of six calendar months, and also until he or they should give sufficient security for his or their good behaviour for the space of two years from the giving thereof in which said in part recited act is contained a proviso, That no peers of this realm, nor their sons, nor any members of parliament, nor any person or persons, who, by virtue of an act of parliament made in the first year of the reign of his late Majesty King George the First, therein recited or referred to, were allowed to have or carry arms, notwithstanding the prohibition in the said act contained, of having, wearing, or bearing arms, should be liable to be summoned to deliver up their arms or warlike weapons, and that neither the said recited act of the nineteenth of his present Majesty, nor the said act of the first year of his said late Majesty therein referred to, should be construed to extend to exclude or hinder any person, whom his Majesty, his heirs or successors, by licence under his or their sign manual, should permit to have or wear arms, or who should be licensed to wear arms by any writing or writings under the hand and seal, or hands and seals of any person or persons authorized by his Majesty, his heirs or successors, to give such licence, for keeping, bearing, or wearing such arms and warlike weapons, as in such licence or licences should for that purpose be particularly specified and it was thereby further enacted, That from and after the first day of August, one thousand seven hundred and forty seven, no man or boy within that part of Great Britain called Scotland, other than such as should be employed as officers and soldiers in his Majesty's forces, should, on any pretence whatsoever, wear or put on the clothes commonly called highland clothes; that is to say, the plaid,

1 Geo. 1. c. 54.



*philibeg, or little kilt, mowse, shoulder belts, or any part whatsoever of what peculiarly belongs to the highland garb; and that no Tartan or parti-coloured plaid or stuff should be used for great coats, or for upper coats, under the penalties therein mentioned: and it was thereby further enacted, That from and after the first day of November, one thousand seven hundred and forty six, no person should exercise the employment, function, or service of a chaplain in any family in that part of Great Britain called Scotland, or of a governor, tutor, or teacher of any child, children, or youth residing in Scotland, or in parts beyond the seas, without first qualifying himself by taking the oaths thereby directed and appointed, and causing a certificate of his having so done to be entered or registered as is therein directed, under the pains and penalties therein mentioned: and that it should not be lawful for any person in Scotland to keep a private school for teaching English, Latin, Greek, or any part of literature, or to officiate as a master or teacher in such school for literature, other than as therein mentioned, until the situation and description of such private school be first entered and registered, with a certificate of his having qualified himself by taking the oaths appointed by law as therein mentioned; and such master or teacher is thereby required, as often as prayers shall be said in such school, to pray, or cause to be prayed for, in express words, his Majesty, his heirs and successors, by name: and whereas it hath been found by experience, that so much of the said act as is herein before recited is not sufficient or effectual to answer the purposes thereby intended, and that it is necessary to enforce the same by some new provisions and regulations; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the respective lieutenants of any of the fifteen shires in the said recited act for that purpose named, and for such other person or persons as in pursuance of the same act hath or have been authorized by his Majesty, or shall hereafter be authorized by his Majesty, his heirs or successors, to issue out letters of summons for the delivering of arms and warlike weapons as is therein mentioned, to nominate and appoint by writing under their respective hands and seals, such person or persons as they respectively shall think fit, to receive the arms or warlike weapons so to be delivered up in obedience to any such summons from any person or persons so delivering up the same at the days and places to be for that purpose mentioned in any such summons, and the person or persons so nominated or appointed to receive any such arms or warlike weapons, shall transmit, or cause the same to be transmitted to such place or places as such lieutenant or other person authorized as aforesaid shall direct and appoint; and all and every person and persons, obliged by the said recited act to deliver up his, her, or their arms or warlike weapons, shall incur the like penalties and forfeitures, and be subject to the same punishments respectively, for having or bearing arms or warlike weapons after the day prefixed in any such summons, issued in pursuance*

*The lieutenants appointed to issue summons for the delivering up of arms, &c.*

*to nominate persons to receive the same.*

*Penalty of not delivering up arms*

purfuance of the faid recited a<sup>c</sup>t, and this prefent a<sup>c</sup>t, as he, fhe, or they are by the faid recited a<sup>c</sup>t made fubject or liable to for having or bearing arms or warlike weapons, contrary to the true intent and meaning of the faid recited a<sup>c</sup>t.

II. And it is hereby further enacted by the authority afore- Part of the re-  
faid, That fo much of the faid recited a<sup>c</sup>t, whereby it is enact- cited a<sup>c</sup>t relat-  
ed, That no peers of this realm, nor their fons, nor any mem- ing to the not  
bers of parliament, nor any perfon or perfons, who by the faid fummoning of  
a<sup>c</sup>t of the firft year of his late Majefty were allowed to have or peers, &c. to  
carry arms, fhould by virtue of the faid recited a<sup>c</sup>t be liable to deliver up  
be fummoned to deliver up their arms or warlike weapons, be, their arms, re-  
pealed.  
and the fame is hereby repealed.

III. And be it further enacted, That the prohibition con- The prohibi-  
tained in the faid a<sup>c</sup>t of the firft year of his faid late Majefty's tion in  
reign, or in the faid a<sup>c</sup>t of the nineteenth year of his prefent 1 Geo. 1. and  
Majefty's reign, or in this a<sup>c</sup>t, of having, keeping, bearing, or 19 Geo. 2.  
wearing any arms or warlike weapons, and the pains and penal- &c. of having  
ties aforefaid, fhall not extend, or be conftrued to extend to any arms, not to  
officers, or their affiftants, employed in the execution of juftice, fons qualified  
nor to prohibit or hinder any perfon, who is qualified to vote at as herein de-  
elections of parliament men, to ferve for any of the above- fcribed.  
named counties nor any heretor or life-renter, poffeffed of an Number of  
eftate of four hundred, and lefs than one thoufand pounds, Scots arms limited.  
valued rent, to have in his cuftody, to be ufed by himfelf, fa- Amended by  
mily, or fervants, in the manner allowed by the laws now in 26 Geo. 2.  
force, any number of arms, not exceeding three firelocks, three c. 29. •  
pair of piftols, and three fwords or cutlafles; nor to prohibit  
or hinder any heretor or life-renter, poffeffed of an eftate of one  
thoufand or more, and lefs than three thoufand pounds, Scots  
valued rent, to have in his cuftody, to be ufed by himfelf, fa-  
mily, or fervants, in the manner allowed by the laws now in  
force, any number of arms, not exceeding feven firelocks, feven  
pair of piftols, and feven fwords or cutlafles; nor to prohibit  
or hinder any heretor or life-renter, poffeffed of an eftate of three  
thoufand or more, and lefs than fix thoufand pounds, Scots va-  
lued rent, to have in his cuftody, to be ufed by himfelf, family,  
or fervants, in the manner allowed by the laws now in force,  
any number of arms, not exceeding twelve firelocks, twelve pair  
of piftols, and twelve fwords, or cutlafles; nor to prohibit or  
hinder any heretor or life-renter, poffeffed of an eftate of fix  
thoufand or more, and lefs than nine thoufand pounds, Scots  
valued rent, to have in his cuftody, to be ufed by himfelf, fa-  
mily, or fervants, in the manner allowed by the laws now in  
force, any number of arms, not exceeding twenty firelocks,  
twenty pair of piftols, and twenty fwords or cutlafles; nor to  
prohibit or hinder any heretor or life-renter, poffeffed of an  
eftate of nine thoufand pounds, Scots valued rent, or more, to  
have in his cuftody, to be ufed by himfelf, family, or fervants,  
in the manner allowed by the laws now in force, any number  
of arms, not exceeding thirty firelocks, thirty pair of piftols,  
and thirty fwords or cutlafles; nor to prohibit or hinder the  
magiftrates

magistrates of any burgh royal, to have in their custody a sufficient number of arms for keeping guard within their borough, according to the directions of their respective magistrates; nor to prohibit or hinder any person, who shall be licensed to keep, bear, or wear arms, pursuant to the directions of the said recited act, from keeping, bearing, or wearing such and so many arms or warlike weapons, as in such licence or licences shall be for that purpose particularly specified; nor to prohibit or hinder the officers of the army, having his Majesty's commissions, and the soldiers under their command, to keep, use, or bear arms as formerly; nor the lieutenants of counties, or their deputies, or the sensible men under their command, to keep and receive arms out of his Majesty's magazines, and to use the same during the time that their militia or sensible men shall be called out by lawful authority.

Arms above  
the number  
limited, to be  
delivered up-  
on summons.

IV. Provided nevertheless, That the several persons before-mentioned, to whom a limited number of arms is hereby allowed, shall be obliged, upon summons, according to the said recited act of the nineteenth year of his present Majesty, to deliver up in the manner directed by this and the said act, all such arms as they shall have in their custody or use, over and above the number so limited.

Place and  
number of  
arms to be  
kept in royal  
burghs.

V. Provided also, That the arms in burghs royal be kept in the magazines, under the care of the magistrates, and not left in private houses, unless by special order or warrant in writing from the magistrates; and that the whole number of arms so kept in any royal burgh, shall not exceed the number of two hundred stand of arms; and that the said lieutenants of counties, their deputies, militia, and sensible men under their command, do return the arms received out of the King's magazines, within twenty days after the expiration of the time for which they shall be called out.

Persons hav-  
ing arms to  
qualify them-  
selves,

VI. And be it further enacted, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty eight, no person whatsoever, by reason of having an income of four hundred pounds, *Scots* valued rent, or any greater rent, or being qualified to vote at elections of parliament men, or by licence, shall be intitled to keep, bear, or wear any arms, by himself, family, or servants, unless he shall first have qualified himself, by taking and subscribing the oaths of allegiance and abjuration, and subscribing the assurance appointed by law to be taken, by persons in offices of publick trust in *Scotland*, either in the court of session, court of justiciary, or in the sheriff or steward's court of the county, shire, or stewartry, where such person shall reside, or in one of his Majesty's courts at *Westminster*, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in one of the said courts in *Scotland*; and in case any such person as aforesaid shall presume to keep or carry any arms, without having first qualified himself as aforesaid, every such person shall forfeit the said arms to his Majesty, his heirs and successors, and also one hundred pounds

and register  
the same.

Penalty.

pounds sterling, to be recovered in any of the said courts in Scotland; one moiety to the use of his Majesty, his heirs and successors, and the other moiety to the person who shall sue for the same.

VII. And whereas the time for the commencement of such part of the said recited act, as relates to the restraining the use of the highland dress, was, by an act made in the twentieth year of his present Majesty's reign, enlarged, as to all persons not being landed men, until the first day of August, one thousand seven hundred and forty eight: and whereas the provision made by the said recited act is necessary to be carried into execution; but it is reasonable to give some further time and opportunity for performing some parts thereof: it is hereby enacted by the authority aforesaid, That the time given and appointed by the said last-mentioned act for the purposes therein mentioned, shall be, and the same is by this present act enlarged (as to all those who are not landed men, or the sons of landed men) from the first day of August, one thousand seven hundred and forty eight, till the first day of August, one thousand seven hundred and forty nine.

20 Geo. 2.  
c. 51.

The time limited for the use of the Highland dress enlarged.

VIII. Provided always, That nothing in this act contained shall extend, or be construed to give liberty to any person whatsoever to wear or put on those parts of the highland clothes, garb, or habiliments, which are called the plaid, philibeg, or little kilt, or any of them; but that the said recited act shall, as to the plaid, philibeg, or little kilt, take place, from and after the twenty fifth day of December, one thousand seven hundred and forty eight.

Parts of the Highland clothes prohibited to be worn after 25 Dec. 1748.

IX. And be it further enacted, That from and after the said twenty fifth day of December, it shall and may be lawful to and for any of his Majesty's subjects whatsoever, to take up and apprehend all and every such person or persons as they shall find wearing, contrary to law, the said highland clothes or garb, or any part thereof, and forthwith to carry such person or persons before any of his Majesty's justices of the peace for the shire or stewartry, or judge ordinary of the place where such person or persons shall be found or apprehended, who are hereby empowered to try and convict every such offender in a summary way.

Persons wearing the said clothes to be apprehended;

X. And it is hereby enacted, That instead of the penalties inflicted by the said recited act of the nineteenth of his present Majesty, it shall and may be lawful to and for any such justice, or judge ordinary, to cause such offender, not being a landed man, or the son of a landed man, lawfully convicted of wearing or putting on the said highland clothes or garb, or any part thereof, contrary to the said recited or this act, whom he or they shall judge fit to serve his Majesty as a soldier, to be delivered, as he and they are hereby required and empowered to do, to any officer belonging to his Majesty's forces to serve therein; for which purpose the officer who shall receive such person, shall then cause such or so much of the articles of war made or to be made, as are or shall be directed to be read to persons enlisted as soldiers, to be read to him in the presence of such justice of the

and to be delivered over to serve as soldiers;

and the articles of war to be read to them, &c.

the peace, or judge ordinary so delivering over such man, who shall cause an entry or memorial thereof to be made, together with the names of the persons so delivered over, with a certificate thereof in writing, under his or their hands, to be delivered to the said officer or officers; and from and after reading such part of the said articles of war as aforesaid, every person so delivered over to such officer or officers to serve as a soldier, shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and in case of desertion shall be punished as a deserter.

The description of a chaplain within the meaning of the recited act.

XI. And for the better ascertaining what shall be deemed exercising the employment, function, or service of a chaplain within the true intent and meaning of the said recited act, be it enacted and declared, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty eight, any person being, or pretending to be in holy orders, of any denomination whatsoever, other than the ministers, elders, or preachers of the established church of *Scotland*, who shall preach or perform any divine service in any house or family of which he is not the master, in the presence or hearing of any other person or persons, whether such person or persons be of the family or not, shall be deemed to be one who exercises the employment, function, and service of a chaplain within the provision and true intent and meaning of the same act.

Schoolmasters to take the oaths, &c.

XII. *And whereas, to evade the execution of the said act, relating to persons keeping or being master or teacher in such private schools, divers persons have kept such schools in the names of others, and had or enjoyed the profits thereof to themselves, and have thereby avoided complying with the qualifications required by the said act:* for remedy thereof, be it enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and forty eight, every person who shall keep in his own name, or in the name or names of any other person, any private school for teaching *English, Latin, Greek*, or any part of literature, or any school for literature, other than as in the said act is excepted, or who shall have, receive, or be interested in, the profits, or any share of the profits of such school, shall be obliged to take the oaths appointed by law to be taken by persons in offices of publick trust in *Scotland*; and to pray, or cause to be prayed for, in express words, his Majesty, his heirs and successors by name, and for all the royal family, as often as there shall be prayers in such school, or before or in the hearing of any of the scholars belonging to such school; and if any person shall, from and after the said twenty ninth day of *September*, keep any such school in his own name, or in the names of any other person or persons, or have, receive, or be interested in, the profits, or any share of the profits of such private school, as shall not have been registered in manner directed by the said act, or without having qualified himself, and caused the certificate thereof to be registered in manner directed by the said act; or in case he shall neglect to pray for his Majesty, his heirs and successors

Penalty of not complying with the recited act.

successors, by name, and all the royal family, or cause them to be prayed for as aforesaid; or in case he shall resort to, or attend divine worship in any episcopal meeting-house not allowed by law; every person so offending, being thereof lawfully convicted before two or more justices of the peace, or before any other judge competent summarily, shall, for the first offence, suffer imprisonment for the space of six months; and for the second or any subsequent offence, being thereof lawfully convicted before the court of judicature, or in any of the circuit courts, shall be adjudged to be transported, and shall be accordingly transported to some of his Majesty's plantations in *America* for life; and in case any person so adjudged to be transported shall return into, or be found in *Great Britain*, he shall suffer imprisonment for life.

XIII. And whereas by a clause in another act made in the nineteenth year of his Majesty's reign, intituled, An act more effectually to prohibit and prevent pastors or ministers from officiating in episcopal meeting-houses in *Scotland*, without duly qualifying themselves according to law; and to punish persons for resorting to any meeting-houses where such unqualified pastors or ministers shall officiate; it is enacted, That from and after the first day of September, in the year of our Lord one thousand seven hundred and forty six, no letters of orders of any pastor or minister of any episcopal meeting or congregation in *Scotland*, should be deemed sufficient, or be admitted to be registered, but such as had been given by some bishop of the church of *England*, or of *Ireland*; and in case any letters of orders, other than such as are before described, should be registered, such registration should be deemed null and void to all intents and purposes: and whereas a doubt has been raised upon the said recited clause, whether the same doth extend to any letters of orders which have been registered before the said first day of September: now, for clearing and taking away any such doubt; it is hereby enacted and declared by the authority aforesaid, That no letters of orders, not granted by some bishop of the church of *England* or of *Ireland*; shall, from and after the twenty ninth day of September, one thousand seven hundred and forty eight, be sufficient, or be taken or adjudged to be sufficient, to qualify any such pastor or minister as above-mentioned, whether the same were registered before or after the said first day of September; and that every such registration, either made before or after the said first day of September, shall, from and after the said twenty ninth day of September, be deemed null and void to all intents and purposes

19 Geo. 2. c. 38.  
Letters of orders not granted by some bishop of the church of *England* or *Ireland*, insufficient to qualify.

XIV. And be it further enacted by the authority aforesaid, That every person who on the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty eight, was a governor, deputy governor, director, secretary, cashier, treasurer, accountant or teller of, or use or exercise any such employment in either of the banks in that part of *Great Britain* called *Scotland* (that is to say) The bank called or known by the name of *The bank of Scotland*, or the bank called or known by the

Persons belonging to either of the banks to qualify themselves.

the name of *The royal bank*, shall, within the space of three months after the said twenty fourth day of *June*, take and subscribe the oaths of allegiance and abjuration, and subscribe the assurance appointed by law to be taken and subscribed by persons in offices of publick trust in *Scotland*, either in the court of session, court of justiciary, or in the sheriff or steward's court of the county, shire, or stewartry where such person shall reside, or in one of his Majesty's courts at *Westminster*: and every person who, after the said twenty fourth day of *June*, shall be elected or appointed to be, or accept or take upon him the employment of a governor, deputy governor, director, secretary, cashier, treasurer, accountant, or teller of either of the said banks shall, within three months after he shall accept or take upon him such employment, take and subscribe the said oaths, and subscribe the said assurance, either in the said court of session, court of justiciary, or in the sheriff's or steward's court of the county, shire, or stewartry where such person shall reside, or in one of his Majesty's courts at *Westminster*; the taking and subscribing of which said oaths and assurance by all such persons respectively, shall be entered on a roll or in a book for that purpose, and be kept amongst the records of the said several courts.

Qualifications to be entered.

Penalty on such persons not qualifying.

XV. And be it further enacted by the authority aforesaid, That every such person who shall refuse or neglect to take and subscribe the said oaths, or to subscribe the said assurance, in some of the said courts within the respective times aforesaid, shall be *ipso facto* adjudged and deemed incapable and disabled in law to enjoy, use, or exercise such employment of a governor, deputy governor, director, secretary, cashier, treasurer, accountant, or teller. and if any such person so refusing or neglecting to take and subscribe the said oaths, or subscribe the said assurance as aforesaid, shall, after such refusal or neglect, exercise such employment, every such person shall be liable to incur the same forfeitures, penalties, and disabilities, as persons executing offices of publick trust in *Scotland*, who have neglected within the time required by law to take and subscribe the said oaths, or subscribe the said assurance, may by the laws now in force be liable to and incur.

Recital of a clause in 20 Geo. 2. c. 43. s. 44 relating to agents and solicitors.

XVI. And whereas by one other act of the twentieth year of his present Majesty's reign, it is enacted, That from and after the twenty ninth day of September, one thousand seven hundred and forty seven, it shall not be lawful for any person whatsoever in *Scotland* to act as a writer, agent, or solicitor, or to manage, agent, or solicit any cause or business in the court of session, court of justiciary (whether at *Edinburgh* or in the circuit courts) or in the court of exchequer, until such person shall have first taken and subscribed the oaths in the court of session or justiciary, or in one of the sheriff's or steward's courts appointed by law to be taken by persons in offices civil or military in *Scotland*, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in the respective courts where any such person shall so officiate, and whereas a doubt hath been entertained, whether the persons acting as extrajudicial in and about

about the court of session, as clerks to any of the lords of session, or to any advocate, as clerks or first servants to the principal and under clerks of session, or as keepers of the registers of bonds, or other registers, as collectors or sub-collectors of the fees of the lord register and clerks of session, are comprehended within the intent and meaning of the said act; be it therefore enacted by the authority aforesaid, That no person shall, after the said twenty ninth day of September, in the year one thousand seven hundred and forty eight, be or act as extractor to the court of session, or as clerk to, or keeper of the hand rolls of any of the lords of session or justiciary, or as clerk to any advocate, or as clerk or first servant to any of the principal or under clerks of session or justiciary, or as keeper or under keepers of the register of bonds in any of the said clerks offices, or other offices of registers, or as collectors or sub-collectors of the fees of the lord register, or clerks of the session, unless he first take the oaths, and subscribe the assurance, appointed to be taken and subscribed by persons in offices of publick trust in Scotland, and cause a certificate thereof to be entered and registered in a book to be kept for that purpose; and the lords of the session are hereby required to cause such book to be kept by one of the principal clerks of the session, who is to enter the names of the persons taking the said oaths, and subscribing the said assurance, in such books, upon the said persons taking such oaths, and subscribing such assurance, before the lords of the session, upon certificate from the proper officer of such other courts, where the same shall be taken and subscribed respectively; and the lords of the session shall cause true and exact lists of the said persons so taking the said oaths, and subscribing the said declaration, to be affixed every first and last day of every session, in the outer and inner house of the said court, and to be kept up there constantly, till new lists are fixed up according to this act; and in case any person shall, after the said twenty ninth day of September, be or act as aforesaid, before he shall have so taken the said oaths, and subscribed the said assurance, he shall be subject to the same disabilities, forfeitures, penalties, and punishment, as if he was writer, agent, or solicitor within the intent of the said act; and the lords of session are hereby empowered to give such orders, from time to time, to the clerks, macers, or keepers of a minute book, or other inferior officers, or members of their court, as they shall judge necessary, for the more effectually discovering and punishing such of the said persons, and such writers, agents, or solicitors, who shall not qualify themselves according to this and the said recited act, and to censure and punish such officers of their court, as they shall find guilty of neglecting to give obedience to such orders, or wilfully concealing any such offenders of the said act so qualifying themselves.

Extractors and clerks, &c. to the court to qualify themselves.

Certificates thereof to be registered.

Lists of the persons who have qualified to be affixed in the outer, and inner house of the court.

Orders to be given by the lords of session for discovering agents not qualifying.

And whereas by an act of parliament passed in the first year of the reign of his late Majesty, intituled, An act for encouraging of superiors, vassals, landlords, and tenants in Scotland, who do or shall continue in their duty and loyalty to his majesty King George; and for discouraging all superiors, vassals, land-

Geo. I. c. 20.



AN ACT FOR THE BETTER SECURING THE REVENUE OF THE CROWN IN SCOTLAND. 1742.

landlords, and tenants there, who have been, or shall be guilty of rebellious practices against his said Majesty; and for making void all fraudulent entails, tailzies, and conveyances made there, for barring or excluding the effect of forfeitures that may have been, or shall be incurred there on any such account; and also for calling any suspected person or persons, whose estates or principal residence are in Scotland, to appear at Edinburgh, or where it shall be judged expedient, to find bail for their good behaviour; and for the better disarming disaffected persons in Scotland; it is, amongst other things, enacted, That all and every tenant and tenants in Scotland, who should continue peaceable, and in dutiful allegiance to his Majesty, his heirs and successors, bruicking and occupying any lands, milns, mines, wood, fishings, or tenements, as tenant or tenants, taxman or taxmen, from and under any person guilty of any of the high treasons in the said act mentioned, should, and they were thereby ordained to bruick and occupy all and every such lands, mines, milns, woods, fishings, and tenements, for the space of two years, or crops, to be accounted from and after the attainder of such person, freely without payment of any rent, duty, or service, for the said two years or crops; and that if any subject of Great Britain, holding lands or tenements of a subject superior in Scotland, had been, or should be guilty of the high treason or treasons in the said act mentioned, the lands or tenements of every such offender, held of any subject superior in Scotland, should recognise and return into the hands of the superior, and the property should be, and was thereby consolidated with the superiority, in the same manner as if the same lands or tenements had been by the vassal resigned into the hands of his superior, ad perpetuam remanentiam; and in case any tenant or tenant, taxman or taxmen, bruicking and occupying any land, mines, milns, woods, fishings, or tenements, being guilty of such high treason or treasons as aforesaid, and should be thereof duly convicted and attainted, the title by which all and every such tenant or tenants, taxman or taxmen, did bruick or occupy as aforesaid, should cease and become void, and the land, mines, milns, woods, fishings, and tenements so bruicked or occupied, together with the single and life-rent which of such tenant or tenants, taxman or taxmen, should return to and be enjoyed and possessed by the person or persons from or under whom such title was derived respectively, who should continue peaceable and dutiful to his Majesty, his heirs and successors: and it is by the said last recited act further enacted, That no person or persons who might reap or have any benefit or advantage by the attainder, conviction, or forfeitures of any person or persons by virtue of the same act, should be capable of being a witness or witnesses against any person or persons, by whose attainder, conviction, or forfeitures, any benefit should or might accrue to such witness or witnesses: and whereas the said act was made on the occasion of the unnatural rebellion which broke out in this kingdom in the first year of our Lord one thousand seven hundred and forty-two, but a small part thereof, do still continue in force, or not; and in case the same should be adjudged so to be, great inconveniencies might insue therefrom for the future; be it therefore enacted by the authority aforesaid,

foresaid, That so much of the said act as is before recited, be, and the same is hereby, from and after the twenty ninth day of September, one thousand seven hundred and forty eight, repealed, and declared to be no longer in force.

The recited clauses repealed.

XVIII. Provided always, That nothing in this clause contained shall extend, or be construed to extend, to prejudice or affect the right, title, or interest of the King's most excellent majesty, or of any other person or persons, vested or accrued by virtue or means of any matter or thing whatsoever, happened or done at any time before the said twenty ninth day of September.

The King's right, &c. not affected by the said clause.

XIX. Provided also, That nothing herein contained shall be construed to extend or enure, to declare or determine the said clauses herein before recited, or any part thereof, to be or continue in force till the said twenty ninth day of September, but such exposition and construction of the said recited clauses, and every part thereof, shall be made, as to any matter or thing happening before the said twenty ninth day of September, as would and ought to have been made in case this act had never been passed.

Construction of the said clauses.

XX. And whereas it is necessary to make some farther provision for the more effectually suppressing the crimes of theft of cattle in the highlands of Scotland, or depredations committed by the unlawful taking or maintaining the possession of cattle by force and violence; be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and forty eight, in all trials or prosecutions within that part of Great Britain called Scotland, for the crimes of theft of cattle, or the masterful taking away or detaining the same, it shall not be allowed to be a good objection to any witness produced for proving such libel or indictment, that he was himself *Particeps* or *Socius Criminis*, nor shall the evidence given by such witness be made use of against himself, nor shall he be liable to be prosecuted for his accession to the offence which he shall as a witness give evidence, that the same was committed by the prisoner or pannel, in whose trial he shall be so adduced, or that such prisoner or pannel was art and part thereof; any law, custom, or usage to the contrary notwithstanding.

The evidence of the party concerned admitted in trials for theft of cattle.

XXI. And whereas by another clause of the said act of the nineteenth year of his present Majesty's reign, there are penalties imposed on persons who shall resort to, or frequent any episcopal meeting-house or congregation in Scotland, not allowed by law, who shall not, within the space of five days, give information of such illegal meeting to some proper magistrate and whereas a doubt has been raised, whether persons present at such illegal meeting, who did not, within the space of five days, give information thereof as aforesaid, could be compelled to appear and give evidence against the minister, or other persons resorting against the said act; be it therefore enacted and declared by the authority aforesaid, That in all prosecutions for offences against the said act, it shall and may be lawful and competent to produce as witnesses, whether against the minister or

The evidence of the party resorting to unlicensed episcopal meeting houses,

admitted on  
trials for the  
said offence.

**ANNO VICESIMO SECUNDO GEORGII II. C. I. 1749.**

hearers, other persons present who may also have been guilty of offending against the said act; but the evidence given by such witnesses shall not be made use of, or given in evidence against themselves, upon any prosecution for any penalty inflicted by the said act.

## *Anno vicesimo secundo* GEORGII II. *Regis.*

**A**T the parliament begun and holden at Westminster, the tenth day of November, Anno Dom. 1747, in the twenty first year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twenty ninth day of November, being the second session of this present parliament.

### CAP. I.

An act for continuing and granting to his Majesty certain duties upon malt, mugg, cyder, and penny, for the service of the year one thousand seven hundred and forty nine 1 XP

### CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty nine. Exp. At 4s in the pound.

### CAP. III.

*An act declaring the authority of the commissioners appointed by his Majesty under the great seal of Great Britain, for receiving, hearing, and determining appeals in causes of prizes.*

**W**HEREAS his Majesty, in order to bring the many appeals that were or should be depending from sentences in causes of prizes, pronounced in the courts of admiralty in this kingdom, and in any of the courts of admiralty in his Majesty's plantations in America, and also in the courts of admiralty in Ireland, and all other his Majesty's dominions abroad, to a speedy determination, did by his commission under the great seal, bearing date at Westminster the eleventh day of July, in the twenty second year of his reign, revoke a former commission for receiving, hearing, and determining such appeals granted to all his Majesty's then privy counsellors, and all others his Majesty's privy counsellors then and for the time being, during his pleasure, and did also, by the same commission of the eleventh day of July, constitute and appoint all his Majesty's privy counsellors then and for the time being, as also Sir Thomas Parker knight, lord chief bar. of his Majesty's court of Exchequer, Sir Martin Wright, Sir Thomas Denison, and Sir Michael Foster, knights, justices of his

*Majesty's court of King's bench; Sir Thomas Abney, Sir Thomas Burnett, and Sir Thomas Birch, knights, justices of his Majesty's court of Common Pleas; Charles Clarke, Edward Clive, and Heneage Legge, esquires, barons of his Majesty's court of exchequer; and the chief baron of his Majesty's court of Exchequer, justices of his Majesty's courts of King's bench and Common Pleas, and the barons of his Majesty's court of Exchequer for the time being, to be his Majesty's commissioners for receiving, hearing, and determining such appeals, during his Majesty's pleasure, with such powers and authorities as are therein contained: and whereas some objections have been raised against the last mentioned commission, on account of the lord chief baron of his Majesty's court of Exchequer, the justices of his Majesty's courts of King's bench and Common Pleas, and the barons of his Majesty's court of Exchequer, who were not of his Majesty's most honourable privy council, being joined therein: now, for removing and avoiding the said objections, and all other objections and doubts whatsoever relating to the said commission; be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said commission, and all the powers, jurisdictions, and authorities therein contained, are and shall be deemed, construed, and adjudged to be good and valid in law, to all intents and purposes, according to the true intent and meaning thereof; and that the said commissioners, as well the said lord chief baron, and the said justices and barons therein named, and the lord chief baron of the said court of Exchequer, and the justices of the said courts of King's bench and Common Pleas, and the barons of the said court of Exchequer for the time being, although they, or any of them, should not be of his Majesty's most honourable privy council, as other his Majesty's said commissioners, shall and may, during his Majesty's pleasure, have use, and exercise full power, jurisdiction, and authority to receive, hear, and determine all such appeals, and have, use, and exercise all other powers, jurisdictions, and authorities, according to the true intent and meaning of his Majesty's said commission.*

The commission granted by his Majesty declared valid;

and the commissioners, though not of the privy council, empowered to act.

II. Provided always nevertheless, That no judgement or sentence to be given upon the hearing of any such appeal, shall be valid, unless the major part of the commissioners, who shall be present at such judgement or sentence, shall be of his Majesty's most honourable privy council.

No sentence to be valid, unless a majority of the commissioners present be of the privy council.

#### CAP. IV.

An act for repairing and widening the road leading from the well at the north-west end of the town or village of Farnborough in the county of Kent, to a place called Riverhill, in the parish of Sevenoaks, in the said county of Kent.

William. Certain tolls granted for 21 years.

#### CAP. V.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

CAP. VI.

*An act for repairing, enlarging, and preserving the harbour of Ellenfoot, in the county of Cumberland.*

**W**HEREAS the harbour of Ellenfoot, in the county of Cumberland, although situated very conveniently for the coal trade carried on in that county, is not, in its present state and condition, capable of receiving and harbouring ships and vessels sufficient for that purpose; but, in case a new pier, and other works, were erected and made in and about the same, it might be made a proper and sufficient harbour for the reception and safeguard of ships and vessels navigating in those seas; which would not only be a means of extending the said coal trade, but would contribute also to the increase of his Majesty's customs, and the improvement of trade and navigation in general: but as a sufficient sum of money cannot be raised to defray the expence of amending and enlarging the said harbour, and rendering the same fit and proper for the purposes aforesaid, without the aid and authority of parliament, may it therefore please your most excellent Majesty that it may be enacted, &c.

From 25 March, 1749, during 21 years, there shall be paid unto the commissioners herein after named, viz. by the coal owner, two pence for every 192 gallons of coals, shipped in the harbour; and by the master of the ship, two pence for every 192 gallons; and after the end of 21 years, one penny. Every master of a ship not loading coals, shall pay upon arrival from any place in Great Britain or Ireland or the isle of Man, six pence per ton. For every ship which shall be driven, or come in for security, four pence per ton. Trustees to appoint collectors. The money received to be applied towards maintaining the harbour. Collectors to give security. Distress for non-payment of duties. Power to measure ships, to ascertain the tonnage. No ship to be discharged by the officers of the customs till duties paid. Trustees to appoint the place for building the pier, &c. may borrow money. New trustees to be elected. No rubbish, &c. to be thrown into the harbour, on pain of ten shillings.

CAP. VII.

*An act for repairing the road from the West Colgate near the town of Newcastle upon Tyne, through the west end of Elston, Pont Eland, Higham Dykes, Newham Edge, Belsay Mill, and South Middleton, to north side of the river Wantpeck, in the county of Northumberland.*

*Certain tolls granted for 21 years.*

CAP. VIII.

*An act to continue two acts of parliament, one of the first, and the other of the ninth year of the reign of his present Majesty, for repairing and enlarging the road leading from the house called The Sign of the Bells, in the parish of Saint Margaret in Rochester, to Maidstone, and other roads therein mentioned, in the county of Kent; and for rendering the same more effectual.*

*The two former acts 1 Geo. 2. c. 12. and 9 Geo. 2. c. 7. continued for 21 years.*

CAP. IX.

*An act for repairing the road from North Shields in the county of Northumberland, to the town of Newcastle upon Tyne.*

*Certain tolls granted for 21 years.*

## CAP. X.

An act for laying a duty of two pennies Scots, upon every Scots pint of beer and ale, which shall be sold or vended, brewed, brought in, or tapped for sale, within the town of Anstruther Easter, and liberties thereof.

*A duty of excise granted to the town for 25 years.*

## CAP. XI.

*An act for draining and preserving certain fen lands and low grounds in the several parishes of Sutton, Mepall, Witcham, Chatteris, Doddington, and a place called Byal Fen in the isle of Ely, and county of Cambridge; and also in the parishes of Somersham and Pidley with Fenton in the county of Huntingdon.*

**W**HEREAS certain fen lands and low grounds (part of the great level of the fens called Bedford Level) lying and being in the several parishes of Sutton, Mepall, Witcham, Chatteris, Doddington, and a place called Byal Fen in the isle of Ely, and county of Cambridge, and also in the parishes of Somersham and Pidley with Fenton in the county of Huntingdon, containing in the whole, nine thousand acres, or thereabouts, the boundaries whereof are as followeth; that is to say, beginning at a bank called the Twenty Feet Bank or Black Bank, next adjoining to a house now in possession of Thomas Rogers; and from thence along by the side of the outring ditch, next the lands called North Mead Lands, to a place called the West Water; and from thence along by the said water to a place called Copens Corner; and from thence to Somersham turnpike-bridge, on the east side of land formerly called the Old West Water; and from thence back again by a common called the Miles, along by the east side of a piece of land called the Parsonage Lot, to a gate which leads to a piece of land now in possession of Thomas Want; and from thence along by the bank side of the said land to the end of a ditch, lying between a lot of land now or late in possession of William Thompson esquire, and certain other lots of land, now in possession of John Goodfellow, and William Archdeacon, to a place called Long Drove; and from thence cross the said Drove, at the lot of land in possession of the said William Archdeacon, and along by a ditch leading between two lots of land, now in possession of Isaac Stephens, to certain low lands, now in possession of Isaac Woollaston esquire; and from thence round by the side of certain high lands, now in possession of the said Isaac Woollaston, to a place called Cross Drove, at the upper end of a place called Cross Lakes; and from thence back again by the said Cross Drove side, next the said Cross Lakes, to a place called Long Drove; and from thence along by the ends of several lots of land, now in possession of Jane Leeds widow, William Thomson esquire, and Thomas Want, next the said Long Drove, to a place opposite to the end of a ditch between certain lots of land, lying on the west side of Long Drove, now in possession of James Hubbard and John Leeds, to a place called Parkel Lot Side; and from thence to a place called Slycer Ditch, and along by the

*ſaid ditch to a place oppoſite to certain low lands belonging to Iſaac Woollaſton, before named; and from thence croſs a drove called Rumbald's Drove, along by the ſide of the adjacent high lands, to a place called Somerſham Meadow Dike, and along by the ſide of the ſaid meadow to the oppoſite end of a place called Little Land Flood, belonging to certain cloſes called College Cloſes; and from thence along by certain high lands, to a place known by the name of Somerſham Low Wood Corner; and from thence along Somerſham Low Wood, and a place known by the name of Fernhill Bottom, to a dole next adjoining to a place called Pidley Drove, now or late in poſſeſſion of Agnes Cope widow, and from thence croſs a place called the Drove, and round by the ſide of Pidley Meadow, to a dike between a place called Upper Lunch Ground, and certain lands now or late in poſſeſſion of Agnes Cope widow, along to certain land next adjoining to a place called Fenton Drove, now in poſſeſſion of William Thompson eſquire, before-named; and from thence along lands next adjoining to a drove called Fenton Drove, in poſſeſſion of the ſaid William Thompson, and along by the ſaid drove to the further end thereof; and from thence to the ſide of the high lands, and round by a farm called Rowey Farm; and from thence to the middle hedge of certain land now in poſſeſſion of William Pagget eſquire, called Pagget's Great Ground; and from thence along by Fenton Load to a dike between a farm belonging to Mary Underwood, called Hither High Fen Farm; and a farm belonging to Charles Leeds; and from thence along by the ſaid dike to a drain, called the Twelve Foot Drain; and along by a bank on the weſt ſide of the ſaid drain to a place called Hammond's Eau; and from thence along by the north ſide of ſin ground, belonging to Iſaac Woollaſton eſquire, before named, to Somerſham turnpike-bridge; and from thence along the eaſt ſide of Somerſham turnpike road to a place called the Ferry Chelm, otherwiſe Chatteris Ferry; and from thence along by the outring ditch next adjoining to a common known by the name of Ferry Burrows, to another common called Hoſeload Fen; and from thence along by the outring ditch, next adjoining to the ſaid fen, formerly known by the name of Snareſ Load, now lying under and through a bank called Ireton's Way or Bank, and from thence along by the outring ditch, which parts certain grounds called Mepall Severals, from a common called Block Fen, and the outring ditch which parts Chatteris Severals, and the ſaid Block Fen, to the ſaid bank called Ireton's Way, otherwiſe Mepall Bank; and from thence along by the ſaid way or bank to Chatteris Common, near to a place there called Wenny; and from thence along by the outring ditch, which parts the lands now in poſſeſſion of Matthew Wyldbore eſquire, and others, from a place called Chatteris Common, to a common fen called Long Wood Fen Common; and from thence along by the outring ditch, which divides certain land, now in poſſeſſion of John Marriott, from the laſt-mentioned common, and along the outring ditch of certain land, now in poſſeſſion of Francis Remberton, to certain land called Biſhops Land, now in poſſeſſion of Mark Gretton clerk; and from thence along by the ſaid ditch, next adjoining to a common called Chatteris Common, to a bank called the Forty Foot Bank,*

*and*

and so along by the said bank to a place called Welches Dam; and from thence along by the bank called the Twenty Foot Bank, or Black Bank, to the division dike between the house of Thomas Rogers before-named, and the said north mead lands; and all that tract of land called Westmoor Beezlings and Restidge, beginning from and at a drain called the Forty Foot Drain; and from thence along by a part of Chatteris Common called Curfe; and from thence abutting upon and against land called Willey; and upon a common called Under Willey, to the end of certain land next adjoining to a place called Hive End Burrows, now in possession of Edward Doyley; and from thence along by the outring ditch of certain other land, now in possession of the said Edward Doyley, Gotobed East, Thomas Smith, John Marriott, and others, to part of a common called Chatteris Mow, otherwise Acre Fen; and from thence along by the outring ditch next the said Mow, otherwise Acre Fen, to a piece of land formerly called the West Water, otherwise Old West Water; and from thence along by the said kind, to certain land now in possession of Sir Thomas Peyton baronet; and from thence along by the outring ditch between the land of the said Sir Thomas Peyton, and land now or late in possession of Rebecca Clark, Benjamin Skeeles, and the heirs of Robert Skeeles, to a drove called Beezlings Drove; and from thence along by the east side of the said drove, to the aforesaid drain called the Forty Foot Drain; and from thence along by the said drain, to the aforesaid piece of Chatteris Common called Curfe; and from thence along by the said common, to a place called Carters Bridge; are (except certain parts and parcels thereof, which are herein after described and excepted) subject to inundations through the defect of their outfalls to sea, and are in danger of being rendered useless, to the great damage and impoverishment of the owners and proprietors of such grounds, and to the loss of the publick: and whereas the said fen lands and low grounds cannot be preserved without the aid of parliament, to enable the owners thereof to drain the same, and to keep the same drained for the future; may it therefore please your most excellent Majesty that it may be enacted, &c.

Commissioners impowered to make works for draining the lands. Justices at the quarter sessions to settle differences. Commissioners to meet twice a year, to make orders for draining the lands, and to appoint officers. Commissioners impowered to raise a tax of 1s. 6d. per acre for the first year; and for every year after, 1s. per acre. Certain lands exempted from being taxed. Commissioners impowered to borrow money on the yearly rates, at 5l. per cent. Commissioners impowered to award satisfaction to the proprietors of Westmore Beezlings, and Restidge, for cuts made by them. The tax to be levied by distress and sale. Tenants required to pay the tax, which is to be allowed them by the landlords. Tunnels to be laid under all the dikes, &c. 100l. Penalty on wilful damaging, &c. the works. For want of distress the person to be committed. Persons convicted of setting fire to any of the works, to be transported as felons. Commissioners to inspect and adjust the accounts yearly. Upon death, &c. of commissioners, others to be chosen in their room. Number not to exceed 45. No works to be made to hinder the waters drained from certain lands, from issuing to their outfall. The rights of the governor, &c. of Bedford Level, reserved.



## CAP. XII.

An act for continuing and making more effectual two acts of parliament, the one passed in the eleventh year of the reign of his late majesty King George the First, and the other in the third year of the reign of his present Majesty, for repairing the road leading from Sherbrooke Hill near Buxton and Chapel in the Frith in the county of Derby, through the town of Stockport in the county of Chester, to Manchester in the county of Lancafter; and for amending other roads adjoining to the road directed to be repaired by the first-mentioned act.

*The former act, 11 Geo. 1. c. 13. and 3 Geo. 2. c. 4. Continued for 21 years.*

## CAP. XIII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every Scots pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kinghorn, and liberties thereof.

*A duty of excise granted to the town for 31 years, &c.*

## CAP. XIV.

An act for continuing and making more effectual two acts of parliament, for repairing the highway between a certain place called Kilburn Bridge in the county of Middlesex, and Sparrows Herne in the county of Hertford.

*The former acts 10 Ann. and 8 Geo. 1. c. 9. continued for 21 years..*

## CAP. XV.

An act for enlarging the term and powers granted by an act passed in the second year of the reign of his present Majesty, for repairing the several roads therein mentioned, leading into the town of Leominster in the county of Hereford; and for making the said act more effectual.

*The act 2 Geo. 2. c. 13. continued for 21 years*

## CAP. XVI.

*An act for draining and improving certain fen lands within the manors and parishes of Upwell and Outwell, and the parishes of Denver and Welney, in the isle of Ely, and counties of Cambridge and Norfolk.*

WHEREAS certain fen lands lying and being in the parish of Denver, the manors and parishes of Upwell and Outwell, and the parish of Welney, within the isle of Ely, county of Cambridge, and county of Norfolk, containing in the whole near eleven thousand acres, and bounded as followeth; that is to say, from the outring ditch of the land of Joseph Gordon gentleman, next to the bank of the land of Edmund Saffery gentleman, and along Well Creek, by North Delph Corner, to Churchfield Bank in Outwell aforesaid; and along Churchfield Bank to a place called Small Load, where it joins a bank called Plowfield Bank; and along Plowfield Bank to a place called Upwell Sluice, standing upon Popham's Eau; and from thence, along by Popham's Eau, to a place called The Sixteen Foot Bank; and from thence, along by the said bank, to a place called The Old Chair Drain; and from thence to a place called Darcy Load; and from thence along by the said load, to Welney Old River; and from thence along by the said river, to a place called The Twenty Foot Drain, at Welney; and from thence, along by the said drain, to the outring ditch of the land of the said Joseph

Joseph Gordon, next to the said Twenty Foot Drain; and along the said outting ditch to Well Creek; have of late years been frequently overflowed, and annoyed with water, by reason of the decay of the outfall which discharges the land waters to the sea, and are thereby greatly diminished in their value, to the great loss of the several owners and proprietors thereof, and of the publick in general: and whereas the said fen lands cannot be drained and preserved, so as to restore them to their real value, without the aid of parliament to enable the said several owners and proprietors to undertake the same; may it please your most excellent Majesty, that it may be enacted, &c.

Commissioners impowered to make works for draining the lands. Justices at the quarter sessions to settle differences. Commissioners to meet twice a year, impowered to make orders, and appoint officers. Commissioners impowered to raise a tax of 1 s. 6 d. *per* acre for the first year; and for every year after, 1 s. *per* acre. Commissioners impowered to borrow money on the yearly rates; at 5 l. *per* cent. Commissioners impowered to remove the mills erected for draining the lands; and to erect them where they shall think proper, and to examine the accounts of the monies expended, &c. The commissioners to reimburse the monies expended in banking certain parts of the 20 feet drain. The tax to be levied by distress and sale. Tenants required to pay the tax, which is to be allowed them by the landlords. Horse-mills may be erected on the arable lands. Tunnels to be laid under all the dikes, &c. Officers impowered to lay them if the owners refuse, &c. 100 l. penalty on wilful damaging, &c. the works. For want of distress, the person to be committed. Persons convicted of setting fire to any of the works, to be transported as felons. Commissioners to inspect and adjust the accounts yearly. Upon death, &c. of commissioners, others to be chosen in their room. Number not to exceed forty. The rights of the governor, &c. of Bedford Level reserved.

#### CAP. XVII.

An act for effectually amending and repairing the road leading from Wansford Bridge in the county of Northampton, to the town of Stamford in the county of Lincoln.

*Certain tolls granted for 21 years.*

#### CAP. XVIII.

An act for enlarging the term and powers granted by an act passed in the thirty-first year of the reign of his present Majesty, for repairing the several roads leading into the city of Hereford.

*The act 3 Geo. 2. c. 18. continued for 21 years.*

#### CAP. XIX.

*An act for the more effectual draining and preserving of several fen lands and field lands, in the bounds and precincts of Whittlesey in the isle of Ely, in the county of Cambridge.*

**W**HEREAS there are certain fens and low grounds lying in the township of Whittlesey, within the isle of Ely, and county of Cambridge, containing in the whole about nine thousand seven hundred and fifty acres; and which are divided into five several districts or tracts, containing the several parcels and quantities of land herein after particularly mentioned and described; that is to say, all those

those fen lands and low grounds lying in Whittlesey aforesaid, in a place there called King's Delph, containing by estimation three hundred and fifty acres, be the same more or less, and bounded as follows; to wit, From King's Delph Gravel by Canters Doles Dyke, to the droveway dividing Blackbush from King's Delph (excluding the said droveway) from the said droveway by the lands of mistress Frankland, Thomas Randall, William Drake, William Angell, George Mayles, George Randall, and Thomas Randall, to the first cross-drove; along the said first cross drove by the lands of the said Thomas Randall and Thomas Kelfull to Suet-hill Drove; along Suet-hill Drove south, by the lands of John Loomes senior, to the second cross-drove; by the said lands of John Loomes and William Searle to the third cross-drove; and along the said third cross-drove by the lands of George Watson to the fourth cross-drove; along the said fourth cross-drove by the lands of William Fletcher, to the drove dividing the Setts and Running Commons; along the said drove to the west end of the Freeman's Acres; from the west end of the said Freeman's Acres, to the half dole on the east side of the Brigwood; and along the said half dole to Whittlesey Dyke, at Fields-end Bridge; and from the Fields-end Bridge along Whittlesey Dyke to King's Delph Gravel aforesaid; do constitute the first district or division; and all those fen lands and low grounds called Reach, otherwise Blackbush, containing by estimation fourteen hundred acres, be the same more or less, and bounded as follows; to wit, From the town of Whittlesey, to a place called Pond's Bridge, by a drain called The Sixteen Feet Drain; and from thence by the said drain called Oakley Dike, to the Running Commons in King's Delph at the south end thereof; and from thence by a droveway which divides the said lands called Blackbush, from the said lands called King's Delph, to the north corner of the said mistress Frankland's lands called Running Common (including the said droveway) and from thence by the north end of Thomas Moore's lands to Canters Doles Dyke; and from thence by Canters Doles Dyke to Whittlesey Dyke, near King's Delph Gravel, being the west boundary thereof; and from the said Whittlesey Dyke, near King's Delph Gravel, by the same dyke to a place called the Long Gravel; and from the Long Gravel by a dyke which divides the north end of the land called master Bird's Hundred Acres, from the lands of Rebecca Serjeant, widow, John Hoby, and John Garner, to the said Sixteen Feet Drain (excluding such last mentioned lands, and the said master Bird's One Hundred Acres) do constitute and make the second division; and all those fen lands and low grounds called The Setts, Great Oldeameere, and Near Wype, containing by estimation one thousand acres, be the same more or less, and bounded as follows; to wit, From Whittlesey Dyke, over against Eastrey Lake, by the half severals and fields belonging to the town of Whittlesey, to a droveway leading from Whittlesey to Eastrey called the Common Half-acre (excluding the said half severals and fields) and from the Common Half-acre, by a droveway leading to the half severals called the Fen Lots (excluding the said half severals called the Fen Lots, and including the whole severals called the Fen Lots) and from the

the said Fen Lots by Eastrey-field to Coates; and from Coates by Kelfull's lands and the said Thomas Moore's thirteen acres at Lipnea; and from the said Thomas Moore's lands at Lipnea, by a droveway leading to Beggar's Bridge; and from Beggar's Bridge, by Bevil's River to Whittlesey Dyke, near Angle Bridge; and from Angle Bridge by the said Whittlesey Dyke to Eastrey Lake aforesaid, do constitute the third division; and all those fen lands and low grounds, called by the names of the Far Doles in Far Wype, Little Oldeameere, The Turves, and Eastrey Fen, containing by estimation two thousand acres, be the same more or less, and bounded as follows; to wit, by Bevill's River from Angle Corner (excluding the river bank from Angle Corner to Angle Bridge) to Shaw's Dyke, and by Shaw's Dyke to Whittlesey Dyke, and by Whittlesey Dyke to Angle Bridge (excluding the said bridge) do constitute the fourth division; and all those fen lands and low grounds called Glassmoore, containing by estimation five thousand acres, be the same more or less, and bounded as follows; to wit, From Angle Bridge by Whittlesey Dyke to a dyke dividing the lands in the occupation of Peter Hufield and lands of George Watson from the lands of John Stona the elder; from the lands of the said John Stona the elder along the said lands by the said dyke to the south side of a droveway called Forth Drove, and along the said drove west, to the west side of a dyke dividing the lands of Henry Coventry esquire, and David Searle (and excluding the said Henry Coventry's lands) and along the said lands of the said David Searle by the said dyke to the south end of a drove called Roger's Drove; and along the said drove west to the west side of a dyke dividing other lands of the said Henry Coventry from lands belonging to the said town of Whittlesey (but excluding the said Henry Coventry's lands) and along the said lands belonging to the said town of Whittlesey by the said dyke to lands of Thomas Ground; and along the said lands by the said dyke to the south side of Benwick Drove; and along the said drove west to the east end of fourteen acres of John Dawkings; and from the said fourteen acres to the land of John Laxon esquire, Francis Ibertson, and James Whittome, (including the same lands) to a droveway called Angle Bridge Drove; and along the said drove a dyke dividing the lands of Samuel Hawkins from Ramfey Lot Drove; along the said lands of Samuel Hawkins by the same dyke to lands of Richard Speechley; along the said lands by the same dyke to the lands of Thomas Beaver; and along the said lands of Thomas Beaver by the same dyke to eight acres of the earl Waldegrave; and along the said eight acres to a dyke dividing the same from the lands of Coulson Fellowes esquire, (excluding the said lands of the said Coulson Fellowes) and from the said eight acres by the same dyke to a flow or gapstead of the said earl Waldegrave; and from the said flow or gapstead along other lands of the said earl by the said dyke to the lands of William Plummer; and along the said lands of the said William Plummer by the same dyke to lands of the earl of Lincoln; and by the same dyke to Delph Dyke otherwise Sword Dyke; and by Sword Dyke to Bevill's River at Pond's Bridge, and by Bevill's River to Whittlesey Dyke at Angle Corner; and from Angle Corner by Whittlesey

*Whittlesey Dyke to Angle Bridge aforesaid; do constitute the fifth division: and whereas the said fen lands and low grounds do naturally produce great quantities of corn and grain, and also forage for cattle, to the great benefit of the owners thereof, and the advantage of the publick; but by reason of their flat situation, and the defect of their outfalls to the sea, the same are liable to be overthrown, and covered with water, and cannot be drained, and kept dry, unless some powers and provisions be made and given for that purpose by authority of parliament: wherefore to the end and intent that the said lands and grounds may be more effectually drained, and preserved for the future, for the benefit of the proprietors thereof, and of the publick; may it please your most excellent Majesty that it may be enacted, &c.*

Commissioners for the several divisions impowered to make works for draining the lands. Justices to determine differences. Commissioners to meet twice a year, to make orders for draining the grounds. No new cut to be made in any whole lands for conveying the water from any mill. Commissioners impowered to appoint officers. Commissioners impowered to make a yearly acre rate, *viz.* For King's Delph, being the first division, not exceeding 5s. *per* acre in the first year, and 2s. an acre in any other year; for the other divisions, 2s. 6d. an acre in the first year, and 1s. 6d. in any other year. On default of payment, the rates to be levied by distress and sale. Tenants to pay the rates, and deduct the same out of the rents. Power of distraining on lands unoccupied. Upon death, &c. of commissioners, others to be chosen. 100 l. penalty on wilful damaging, &c. the works. To be levied by distress and sale. For want of distress, the person to be committed. Persons convicted of setting fire to, or destroying any of the works, to be transported as felons. Commissioners and land owners to adjust the accounts yearly. In case of disagreement two justices to determine the difference. 10s. penalty on making watering places for cattle in the mill drains. The drove-way and outting dykes to be kept of a sufficient depth, and 9 feet broad, and well roaded, &c. The homage jury to be commissioners for draining the common-field lands; and for making an annual rate, and appointing officers. The rights of the governor, &c. of Bedford Level, reserved. Powers of the commissioners not to extend to certain lands. Five commissioners to determine disputes about what lands are liable to be charged.

## CAP. XX.

*An act for making more effectual an act passed in the eleventh and twelfth years of the reign of King William the Third, for the better preserving the navigation of the rivers Avon and Froome; and for cleansing, paving, and enlightening the streets of the city of Bristol, so far as the same act relates to the paving and enlightening the said streets; and for the regulating hackney coachmen, balliers, draymen, and carters, and the markets and sellers of hay and straw, within the said city and liberties thereof.*

71 & 12 W. 3.  
c. 23.

**W**HEREAS by an act made in the eleventh and twelfth years of the reign of his late majesty King William the Third (intituled, An act for the better preserving the navigation of the rivers *Avon* and *Froome*; and for cleansing, paving, and enlightening the streets of the city of *Bristol*) provision was made for the enlightening

*lightening the streets of the city of Bristol in manner therein mentioned; but which hath, in many instances, been found insufficient to answer the good purposes intended by the said act; and more particularly for want of a sufficient power being vested in the justices of the peace in their general quarter sessions to order and oblige the inhabitants of the several parishes and precincts within the said city, to make use of publick lamps within their respective parishes and precincts, and to order the number of such lamps; and also for want of ascertaining a due length of time, during which such lamps shall be kept burning: and for want of erecting and maintaining a competent number of such publick lamps, the citizens and inhabitants of the said city are exposed to the danger of fires, murders, burglaries, robberies, and many other outrages and inconveniences; and the enlightening of the said streets is greatly hindered and obstructed by signs, which are hung out before the houses of several persons, and which obscure the same: for remedy whereof, may it please your Majesty that it may be enacted, &c.*

The mayor and justices to order the number and fashion of the lamps. Power given for contracting for the erecting of the lamps; and for lighting and trimming them, Contract to be made but for 1 year, and not to exceed the sum rated. Parish officers excluded from being interested in any contract. Parish officers to meet yearly. Rates to be made, and collectors to be appointed. Justices to confirm the rates. Collectors to make payment to the surveyors. Persons aggrieved may appeal. Collectors becoming insolvent, the rates to be re-assessed. Collectors and surveyors to account yearly, &c. on pain of commitment. Alderman of the castle precincts to give notice to the guardians, &c. of the poor, to meet in February yearly. 40s. penalty on persons breaking or extinguishing the lamps. Mayor and justices to hear offences. For want of distress, the party to be committed. Persons aggrieved may appeal to the quarter sessions. Clauses 11 & 12 W. 3. relating to the enlightening the streets repealed. The mayor and justices to make orders concerning the pavement. Surveyors to have the charge of paving. Races to be made for paving after falling from the tops of houses to be conveyed by pipes on the wheels or run. Carriages used within the city to be drawn by 3 horses only, the wheels to be bound with iron streaks of less breadth than 6 inches. The mayor and aldermen, &c. to make rules for regulating hackney coachmen, &c. The mayor and common council to make orders for regulating the new market. Hay and straw brought for sale into Bristol to be made up into trusses. Trusses of hay to weigh 56 lb. and of straw 7 lb. None to gain a settlement by paying of these rates.

## C A P. XXI.

*An act for explaining and amending an act passed in the seventeenth year of his present Majesty's reign, intituled, An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of Scotland, and of the heads, principals, and masters of the universities of Saint Andrews, Glasgow, and Edinburgh.*

**W**HEREAS by an act made in the seventeenth year of the reign of his present Majesty, intituled, An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of Scotland, and of the

the heads, principals, and masters of the universities of Saint Andrews, Glasgow, and Edinburgh; it was, among other things, enacted, That every minister who shall be ordained and admitted to a benefice in the church of Scotland, and every person who should be admitted as head, principal, or master, in any of the three universities of Saint Andrews, Glasgow, and Edinburgh, after the twenty fifth day of March, one thousand seven hundred and forty four, should be subject to the annual rate of two pounds twelve shillings and six pence, or of three pounds eighteen shillings and nine pence, or of five pounds five shillings, or of six pounds eleven shillings and three pence, of lawful money of Great Britain, at his option; and should, at the term of Candlemas next after admission to, or enjoyment of his benefice or salary for one whole year, make payment of one year's rate; and in case he, at such term of Candlemas, had been admitted to, or enjoyed his said benefice or salary only for one half year, he should only be liable to the payment of half of the said yearly rate, and to the full year's rate at each term of Candlemas next thereafter, during his life; and every minister, head, principal, or master as aforesaid, was required to make his election of one of the said four yearly rates, on or before the first term of Candlemas after he should have right to one half year's benefice or salary, or before the term of Candlemas next after having had right for one year and half to any benefice situate in the western or northern isles of Scotland; and in default thereof he was to be subject to the annual rate of three pounds eighteen shillings and nine pence, during life; and every minister, head, principal, or master intitled to a benefice or office as aforesaid, and every minister in the western and northern isles of Scotland, before the twenty fifth of March, one thousand seven hundred and forty four, was to give notice within six months, or eighteen months respectively, that he would not be subject to any of the yearly rates before mentioned, or would subject himself to one or other of them, declaring which of them he chose to be subject to; and in default of giving such notice respectively, was to be liable to the annual rate of three pounds eighteen shillings and nine pence: and the said act likewise ascertained what proportion of the said rates should be paid respectively by ministers, heads, principals, or masters, who at their deaths, had only right to one half of the benefice or salary of that year, and by their heirs and executors, and by those who had right to the ann; and what other rates and dues should be paid by every minister, head, principal or master, for the first year, and upon the marriage of ministers, heads, principals, and masters, ordained or admitted assistants and successors to those having right to a benefice or salary; and upon the first and every succeeding marriage of every minister, head, principal, or master, admitted as well after as before the said twenty fifth day of March, one thousand seven hundred and forty four, to his benefice or office: and every minister, head, principal, or master aforesaid, neglecting to pay the annual or other rates due at the times appointed, was to be subject to lawful interest from the respective times of payment: and every benefice and every office as aforesaid, vacant before the twenty fifth day of March, one thousand seven hundred and forty four, was to be subject to the sum of five pounds; and vacant on or after the said twenty fifth

fifth day of March, to two pounds ten shillings, for every half year the vacancy should continue : and it was further enacted, That out of the aforesaid annual rates and other sums, there should be paid, by order and direction of trustees therein after named, a sum not exceeding two hundred and ten pounds, of lawful money of Great Britain, yearly, for the salaries of a general collector or receiver, and a clerk ; and that the remainder of the said several sums should be applied to the payment of an annuity of ten pounds, or fifteen pounds, or twenty pounds, or twenty five pounds respectively, to the widow of every minister, head, principal, or master, who hath been subject to the annual rates of two pounds twelve shillings and six pence, or three pounds eighteen shillings and nine pence, or five pounds five shillings, or six pounds eleven shillings and three pence respectively, to commence from the first term of Whitsunday or Martinmas, which should be one full half year after the husband's death ; and if no widow was left, but one or more children, such child or children was to be intitled to a sum equal to ten years annuity that would have been payable to their father's widow ; and if the widow died, or was married before the lapse of ten years after the commencement of her annuity, and whose husband left a child or children, who, at her death or marriage, should be under the age of sixteen years, such child or children was to be intitled to a sum equal to ten years of the said widow's annuity, deducting so much thereof as had been then received by the widow : and it was further enacted, That the surplus of the annual rates and sums after payment of the annual expence of management, and of the said annuities and other provisions, should, at the term of Whitsunday yearly, be lent out to ministers, heads, principals, and masters, subject to annual rates as aforesaid, to the amount of thirty pound to each (every of whom was thereby obliged to receive the same) which was to be repaid with interest, at the time that he ceased to have right to his benefice or office : and it was thereby further enacted, That all future surplusses, over and above the sums so lent as aforesaid, should, from time to time, be lent out at an interest not under four pounds per centum per annum, until a capital was made of thirty five thousand pounds ; and the surplus arising above the said capital, was to be divided proportionably amongst the children of ministers, heads, principals and masters, who, in respect of the death of their father, or the death or marriage of his widow within that year, should be then intitled to receive their provisions : and divers provisions were enacted to prevent any diminution of, or incroachment upon, the said capital : and trustees were nominated for levying, receiving, and issuing the respective annual sums payable by virtue of the said act for the purposes therein expressed, and for lending out the surplus in manner therein directed, and for raising the aforesaid capital of thirty five thousand pounds by loans at interest, and for uplifting the said capital in the whole or in part, and re-employing the same ; and they were to meet in the old church isle at Edinburgh, and, were to have four stated regular meetings yearly ; and a general collector or receiver of the aforesaid annual or other rates was to be appointed, who was to have full power to carry on all suits and actions for recovery thereof ; and was empowered to use all diligence for securing all and every the  
afore-



*aforesaid sums; the expence whereof was to be recovered out of the respective debtors estates, without any abatement or mitigation; and incidental expences of the said trustees were not to exceed, in any one year, the sum of forty pounds: and whereas inconveniencies and difficulties have arisen in the execution of the said act, by reason that the ministers, heads, principals, and masters, ordained or admitted after the twenty fifth day of March, one thousand seven hundred and forty four, are allowed to withhold their declarations, touching their election of their annual rates, so late in the year as Candlemas; and the collector general cannot effectually levy and bring in the said rates, and other sums, under his management, between the terms appointed for the payment and distribution thereof, by the means of an ordinary action against the deficients; and the expence of such action becomes very heavy upon the deficient minister, head, principal, or master: and whereas the number of benefices and offices in Scotland, subjected to the said rates, have been found to be considerably less, and the number of widows and children to be provided for considerably greater than was supposed in the computation, upon which the proportion between the annual rates and the annuities and provisions mentioned in the said recited act was fixed; and the annuities and provisions already become payable to the widows and children of ministers, heads, principals, and masters deceased, and those which may become due for several succeeding years, will, in all probability, very much exceed what they were computed at; and the said deceased ministers, heads, principals, and masters, have contributed very little to the fund established by the said act; and there is great reason to apprehend, that the annual surplusses, in the early years of collection of the rates and sums aforesaid, will not raise the intended capital, and that the said fund, if raised, will not be sufficient for answering the design of the said act; by reason whereof, the widows and children of those ministers, heads, principals, and masters, who shall have contributed most to the raising of the said fund, will be deprived of a great part of the annuities and provisions due to them, unless some deduction shall be made from the annuity granted to the widow, or the provision made for the child or children of each minister, head, principal, or master, who shall not have contributed to the fund a sum equal to three years amount of the annuity correspondent to his annual rate, and unless a sum be allowed annually for increasing the capital fund to a greater amount than is allowed by the said recited act: and whereas also it is equitable and just, that the widows, as well as children of contributors to the said capital fund, should have a share of any benefit which may casually arise from the surplusses thereof, after such capital shall be made up: therefore, and for removing the doubts and difficulties aforesaid, touching the execution of the said recited act, and for preserving a just and equal proportion, as much as is possible, between the contributions made to the said fund by any minister, head, principal, or master, and the sums to be drawn out of the same by his widow and children, and between the widows and children of such contributors; your Majesty's most dutiful and loyal subjects, the trustees named and appointed in and by the said recited act for putting the same in execution, as specially warranted*

ed and authorized to that effect by the general assembly of the church of *Scotland*, holden in the month of *May* last, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the fifteenth day of *May*, one thousand seven hundred and forty nine, every minister who shall be ordained and admitted to a benefice in the church of *Scotland*, and every person who shall be admitted as head, principal, or master, in any of the universities of Saint *Andrews*, *Glasgow*, and *Edinburgh*, shall make his election to which of the four yearly rates mentioned in the said recited act he chooses to be subjected, during his life, in manner therein directed, within the times respectively after-mentioned; that is to say, every minister having a benefice in the western or northern isles of *Scotland*, on or before the fifteenth day of *January*, that shall first happen after such minister shall have had right to his benefice for a year and half; and every other minister aforesaid of the church of *Scotland*, on or before the fifteenth day of *January*, that shall first happen after such minister shall have had right to his benefice for one half year; and every head, principal, or other master aforesaid, of any of the said three universities, on or before the fifteenth day of *January*, that shall first happen after he hath held his office for four calendar months; and every respective minister, head, principal, or master, neglecting to nouse his election in the form and manner prescribed by the said recited act, within the respective times herein before limited, shall be deemed and held to have made his election of the annual rate of three pounds, eighteen shillings, and nine pence, and shall be liable to the said rate accordingly, during his life.

Beneficed ministers and heads of the universities, to choose within a certain time, to which of the yearly rates they will be subject.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the lords of council and session in *Scotland*, or any one of them, to issue letters of horning, at the instance of the general collector or receiver for the time being, of the annual rates or other sums imposed by the said recited act, against all and every the ministers of the church of *Scotland*, and heads, principals, and masters in the universities, subject or liable to the same, for compelling payment of their annual, or other rates or sums, principal or interest, to the payment of which they or any of them are or may be liable by virtue of the said recited act; and that the said letters of horning shall be executed, and other proceedings shall be had thereon, in the same form and manner as is now in use, and authorized by law, with respect to hornings at the instance of the ministers of the said church of *Scotland*, for compelling payment of their stipends; and that no suspension of any charge to be given in virtue of such letters of horning, shall be past without consignation of the sum charged for, as is also in use, and authorized by law in

The lords of session, upon application, to issue letters of horning for payment of the rates.

Methods of executing the letters.

the aforesaid case; any law or custom to the contrary notwithstanding.

Trustees to stop one half of every annuity where the contributor, &c. shall not have paid to the fund a sum equal to 3 years amount of such annuity, &c.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the trustees for the time being, executing the said act, and they are hereby, required to stop and deduct the one half of every annuity which shall become payable, for the first time, at the term of *Whitsunday*, one thousand seven hundred and forty nine, or at any term of *Whitsunday* thereafter, to the widow of every minister of the church of *Scotland*, and of every head, principal, or master, in any of the three universities above mentioned, subject and liable to the annual rates aforesaid, who shall not have paid, during the time of and by his being a contributor to the said fund, a sum equal to three years amount of the annuity correspondent to his annual rate, and the like at every succeeding term of *Whitsunday*, during the life of such widow, until either she shall pay into the fund, or until such stoppages and deductions shall amount to as much, as together with the sums paid by her husband (without computing any interest thereon) shall make up or be equal to three years of her annuity; and that it shall and may be lawful for the trustees aforesaid, and they are hereby required to stop and detain out of the sum or provision which shall become payable, at the said term of *Whitsunday*, one thousand seven hundred and forty nine, or at any term of *Whitsunday* thereafter, to the child or children of every minister, head, principal, or master, subject and liable to the annual rates aforesaid, who shall not have paid a sum equal to the amount of three years annuity corresponding to his annual rate, so much as, together with the sums paid by him, or that may have been deducted from his widow (without computing interest thereon) shall make up or be equal to three years of the said corresponding annuity; and the widows or children aforesaid shall only be intitled, in the respective cases and events aforesaid, to the remainder, after the said respective stoppages or deductions of annuities or sums provided to them severally by the said recited act; any thing therein contained to the contrary notwithstanding.

Certain sums to be applied yearly for raising a fund of 30l. in the hands of every minister, and the heads of the universities;

IV. And be it further enacted by the authority aforesaid, That the trustees named in, or appointed by the said recited act, and acting for the time being in the execution thereof, shall order and direct, and take care, that the sums after mentioned shall be applied, from year to year, out of the first and readiest of the whole produce, in virtue of the aforesaid recited act, after defraying the annual expence of management (as settled and limited by the said recited act, and this present act) for and towards raising and securing a stock or fund to the extent of thirty pounds of lawful money of *Great Britain*, to and in the hands of each minister in the church of *Scotland*, and each head, principal, or master, in the said universities of *Saint Andrews*, *Glasgow*, and *Edinburgh*, who shall have become subject to one or other of the annual rates above mentioned; and a further sum

of

of fifty thousand pounds like money, of capital, by their lending, or causing to be lent out of the after mentioned sums annually, in the manner prescribed in and by the said act; that is to say, three thousand pounds shall be so applied at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and forty nine, to one thousand seven hundred and fifty two, both inclusive; two thousand pounds at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and fifty three, to one thousand seven hundred and fifty six, both inclusive; one thousand pounds at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and fifty seven, to one thousand seven hundred and sixty three, both inclusive; four hundred pounds at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and sixty four, to one thousand seven hundred and seventy, both inclusive; and two hundred pounds at the term of *Whitsunday*, in the year one thousand seven hundred and seventy one; and at the term of *Whitsunday* in each year thereafter, until each minister, head, principal, or master, subject to one or other of the annual rates aforesaid, shall have received thirty pounds in loan; and likewise until the said further sum or capital of fifty thousand pounds shall have been made up.

V. And be it further enacted, That if the annual produce aforesaid, in any one year, computed from *Martinmas* to *Martinmas*, shall exceed the charges of management, and the sums hereby ordered to be applied for raising the stock, and the annuities due to the widows, and provisions due to the children, for that year, and the arrears of the annuities and provisions for former years herein after mentioned (if any such were) such excess or surplus shall be applied to the purpose aforesaid, of raising the capital stock or fund, by lending out the same along with the sums herein before appointed to be lent out for such respective year.

VI. Provided always, and it is enacted by the authority aforesaid, That although the annual surplus aforesaid, for any one year, computed from *Martinmas* to *Martinmas*, after payment of the charges of management, and of the sum hereby appointed to be applied for raising of the stock or capital fund for that year, shall not be sufficient to pay the whole annuities to widows, and provisions to children, payable for that year, in virtue of the said recited act, and of this present act, yet no encroachment shall on that account be made upon the capital, so far as then raised; nor shall the farther raising thereof, according to the true intent and meaning of this act, be thereby stopped or retarded, but such deficiency or short-coming shall first affect the childrens provisions proportionably, and then the annuities of all the widows intitled proportionably, without regard to the order of time in which those provisions or annuities become due; and the same shall again be made good to them out of the surplus of the produce, computed as aforesaid, for the succeeding year or years, in this order, *viz.* after payment of the expence of

and a capital of 50,000 l. to be lent out as directed by recited act.

Surplus of the annual produce how to be applied.

Deficiencies of the surplus for payment of the annuities how to be made good.

management, and of the ſum to be applied for raiſing the ſtock as aforeſaid, the widows annuities unpaid in the preceding year, ſhall be paid and made good in the firſt place; and then the widows annuities of the current year; and after the ſaid annuities, the childrens provisions of the former year or years, according to the order of time in which they become due to them, as aforeſaid; and laſtly, the childrens provisions for the current year.

Capital fund  
not to exceed  
50,000l. over  
and above 30l.  
to be lent to  
each miniſter,  
&c.

Application of  
the ſurplus.

VII. Provided alſo, and it is hereby enacted, That the capital fund or ſtock to be ſettled and ſecured as aforeſaid, ſhall at no time exceed the aforeſaid ſum of fifty thouſand pounds, over and above the ſum of thirty pounds lent to each miniſter, head, principal, or maſter as aforeſaid; and that after ſuch capital ſhall be raiſed, the ſurplus of the annual income, under the management of the truſtees aforeſaid, ariſing in any one year, computed from *Martinmas* to *Martinmas*, after payment of all the burdens of that year, including the arrears of former years aforeſaid (if any be) ſhall, at the *Whitſunday* when ſuch ſurplus ariſes, be diſtributed to, and divided amongſt, all the widows then intitled to annuities, and all the children then intitled to receive provisions; ſo as that each widow, and each child, ſhall receive a proportionable ſhare of ſuch ſurplus, correſpondent to the extent of the annual rates of their deceased huſbands or fathers.

Regulations  
touching the  
management  
of the capital,

VIII. And be it further enacted by the authority aforeſaid, That all and every other regulation, enacted by the ſaid recited act of the ſeventeenth year of his Majeſty's reign, touching the ſecuring and management of the capital ſtock therein mentioned, and for making up any accidental diminution of, or preventing any encroachment upon the ſame, after it ſhall be made up, in whole or in part, ſhall ſubſiſt, take place, and be in force, with regard to the capital ſtock hereby permitted to be raiſed, when it ſhall be ſo raiſed in whole or in part, in the ſame manner as if every one of the ſaid regulations had been herein repeated and re-enacted.

IX. *And whereas the old church iſle of Edinburgh was found to be a place ſo inconvenient for the meeting of the truſtees, appointed to execute the ſaid recited act of parliament, that ſoon after their entering on the execution thereof, they were obliged to build, and did cauſe to be built, a houſe within the city of Edinburgh, containing a hall for their meetings, and offices for their collector and clerk, and a charter room for the preſervation of their books and papers, a great part of the expence of which building remains yet unpaid: and whereas doubts have been raiſed, whether the ſaid truſtees can legally hold any of the four quarterly meetings appointed by the ſaid recited act, in the ſaid hall; and whether the debt incurred by the ſaid building, and the expence of keeping it in repair, be ſuch neceſſary incidental expences, as fall within the intendment of one of the clauses herein before recited; be it therefore enacted by the authority aforeſaid, That from and after the fifteenth day of May, one thouſand ſeven hundred and forty nine, the truſtees named and appointed by the ſaid recited*

recited act of the ſeventeenth year of his Maſteſty's reign, and their ſucceſſors, ſhall hold the four ſtated regular meetings yearly, appointed to be held by the ſaid act, upon the days therein mentioned, in the hall of the houſe aforeſaid, built by the ſaid truſtees within the city of *Edinburgh*; and that they may and ſhall do and act at ſuch meetings, in the ſame manner, as they might and ought to have done in the old church iſle of *Edinburgh*; and that the remaining debt incurred by the ſaid truſtees for building the ſaid houſe, and the expence in keeping the ſame in repair, ſhall be held and deemed to be, and make a part of the neceſſary incidental expences of the ſaid truſtees provided for by the ſaid recited act, and ſhall be paid by the general collector or receiver of the annual rates, and other ſums raiſed or to be raiſed in virtue thereof, and ſhall be allowed to him out of the annual receipts; provided the ſame, and all the other incidental expences provided for by the ſaid act, do not, in any one year, exceed the ſum of forty pounds of lawful money of *Great Britain*.

Truſtees to hold their annual meetings in the houſe built by them;

and to pay the debt incurred for building,

Incidental expences not to exceed 40l. per annum.

X. *And whereas the miniſters, heads, principals, or maſters, who were in the ſaid church, or any of the ſaid univerſities, at the commencement of the ſaid in part recited act, will purchaſe the annuities to their widows, and provisions to their children, at leſs expence than future intrants, having held their benefices and offices for a conſiderable time, without the burden of the preſent annual rates;* be it therefore enacted by the authority aforeſaid, That every ſuch miniſter, and every ſuch head, principal, or maſter, ſhall, at the term of *Candlemas*, in each of the years of our Lord one thouſand ſeven hundred and fifty, one thouſand ſeven hundred and fifty one, one thouſand ſeven hundred and fifty two, one thouſand ſeven hundred and fifty three, one thouſand ſeven hundred and fifty four, and one thouſand ſeven hundred and fifty five, according to the computation in *Scotland* pay to the general collector, at his office in *Edinburgh*, legal intereſt of the thirty pounds lent, or that ſhall be lent to him; and the produce ariſing from the difference betwixt the legal intereſt and the four pounds *per centum*, now payable on account of the loans of thirty pounds lent to the contributors, ſhall be applied at the ſight, and by direction of the truſtees for defraying the expence incurred in obtaining this preſent act of parliament, and for paying whatever ſums ſhall, on the fifteenth of *May*, one thouſand ſeven hundred and forty nine, be reſting of the charge incurred, by building the houſe within the city of *Edinburgh*, containing a hall for the meetings of the truſtee, offices for their collectors and clerks, and a charter room for the preſervation of their books and papers; and the ſurplus thereof ſhall go towards increaſing the ſaid capital; and that the ſaid additional intereſts ſhall not be computed as any part of the three years annuity, which every contributor is hereby obliged to make good to the fund, in the manner already directed.

Miniſters, &c. who were in the church, &c. at the commencement of the act, to pay intereſt of 30l. for 6 years. Application of the intereſts.

XI. *And whereas by the ſaid in part recited act of the ſeven'teenth year of his Maſteſty's reign, it was further enacted, That if the uni-*

*versity of Aberdeen, or any of the colleges therein, should apply to the then next general assembly of the church of Scotland, declaring, that they desired to be comprehended in that act, the heads, principals, and masters, in the said university of Aberdeen, or in either of the colleges of the said university, should be comprehended in that act, and should be subject to the annual rates, and other burdens thereby imposed; and they, and their widows and children respectively, should be intitled to the privileges and provisions therein contained, in like manner, in all respects, as with respect to the heads, principals, and masters, in the universities of Saint Andrews, and Glasgow, was therein before enacted: and whereas applications were accordingly made by the King's College of Aberdeen, and by the Marshall College of Aberdeen, to the general assembly of the church of Scotland, which was held at Edinburgh, in the month of May, in the year of our Lord one thousand seven hundred and forty four, by which the said colleges respectively declared, that they desired to be comprehended in the said act; be it therefore further enacted by the authority aforesaid, That the heads, principals, and masters, in the said university of Aberdeen, or in the King's College and Marshall College of Aberdeen, shall be comprehended in this present act, and be deemed to have been comprehended in the said in part recited act, and shall be subject to the annual rates and other burdens thereby, or by this act imposed; and their widows and children respectively shall be intitled to the privileges and provisions therein contained, subject to the variations by this act provided, in like manner, in all respects, as, with respect to the heads, principals, and masters in the universities of Saint Andrews and Glasgow, was by the said in part recited act, and is herein before enacted.*

The heads,  
&c, of the  
university of  
Aberdeen,  
comprehend-  
ed in this and  
therecited act,  
&c.

Publick act.

XII. And it is hereby further enacted and declared, That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons, are to take notice thereof as such in all courts and places whatsoever, without specially pleading the same.

## C. A P. XXII.

*An act for the better ascertaining, recovering, and collecting, certain duties commonly called petty customs, or wharfage, payable upon the importation and exportation of goods and merchandizes into, or out of, the harbour of the borough and town of Waymouth and Melcombe Regis in the county of Dorset; and also of ballast and harbour-duties payable in respect of ships and vessels coming into, and going out of, the said harbour, and for the better repairing and keeping in repair the said harbour and the wharfs, and other publick buildings and works within the said borough and town.*

**W**HEREAS the mayor, aldermen, bailiffs, burgeses, and commonalty of the borough and town of Waymouth, and Melcombe

combe Regis in the county of Dorſet, have for time out of mind, received and been intitled to receive certain duties called petty cuſtoms, or wharſage, upon the importation and exportation of all goods and merchandizes into and out of the harbour of Waymouth and Melcombe Regis aforeſaid, from the owner, importer, or exporter of ſuch goods and merchandizes, and alſo certain other duties there called harbour-dues and balliſt duty, from the maſters or commanders of ſhips and veſſels and which ſaid ſeveral dues and duties have been conſtantly under the management of the mayor, aldermen, bailiffs, and capital or principal burgeſſes, of the ſaid borough and town, as truſtees and managers and have been applied for the repairing the ſaid labour, quays, and wharfs, and other publick buildings and works within the ſaid borough and town, and whereas, of late years, ſeveral perſons have reſuſed to pay the ſaid duties, and have been induc'd thereto by means of the great difficulties in ſupporting, by ſtrict legal evidence, preſcriptive claims and rights to duties on each particular ſpecies of goods, and the exact and precise ſums payable for the ſame, and although the ſaid mayor, aldermen, bailiffs, burgeſſes, and commonalty, in order to ſupport their right to the ſame, have brought ſeveral actions, and obtained verdicts of damages, by which ſuch their right in general hath been eſtabliſhed, yet by means of the expences in carrying on ſuch ſuits, and the many contrived evaſions and reſuſals of payment, the ſaid for the repairing the ſaid harbour, quays, and wharfs, and other publick buildings and works, hath been conſiderably leſſened, and the ſaid wharfs, quays, and other buildings and works, are now in a ruinous condition, and will be entirely deſtroyed, if not timely prevented, for remedy whereof, be it enacted, &c.

I here ſhall be paid to the mayor, &c. of Waymouth and Melcombe Regis, for all goods imported and exported, and for all ſhips coming into the harbour, the duties ſpecified in the ſchedules annexed Collector, quay-maſter, and treaſurer, to be appointed, with ſalaries not exceeding 2s. in the pound of the money received. The accounts to be audited every year. Accounts may be inſpected by the inhabitants, and copies taken. Maſter of ſhip to deliver to the collector his wharſage bill, on penalty of 5s. Quay maſter to appoint ſtations for the ſhips. Maſters of veſſels not complying, to forfeit 40s. Damage done by veſſels to the bridge, wharfs, or quays, to be aſcertained upon oath of aſſeſſors, on non payment, the ſum to be levied by diſtincts and ſale of the veſſel. Perſons throwing ballaſt into the harbour, to be fined for a publick nuisance.

#### Petty cuſtoms or wharſage duties.

FOR every chaldron of coals, or goods, paying duty by the chaldron, 2d. For every ton of tolacco pipe clay, buſhel in and ſtone, 3d. For every ton of ſalt, and other goods, 1s. 6d. duty or eight by the ton, 6d. For every load of timber, 3d, load of walnut, mulberry, and plank, 1s, load of oak, or other timber, trentil, hoop &c. 4d, hundred of ſtaves and ſtaves, 4d, hundred of wainſcot boards twelve feet in length, and one inch thick, and ſo in proportion, 1s, hundred of double deers, 9c, hundred of ſingle deers, 6d, hundred of pork ſaves 2d, hundred of hogſhead ſaves, 3 halfpence, hundred of butter ſaves, 3d, buſhel of clover ſeed, 1 halfpenny, quarter of malt barrel and out, 7d, quarter of wheat, and other grains and ſeeds, 1 halfpenny, load of flour 10d; load of bran, 3d. Hogmeal of beer cyder, a cwt 1s, 1 halfpence, hogſhead of barley, and other ſpirituous liquors, 4d, hogſhead of wine, oil, or other liquors, 3d. Hogſhead of molles (containing one hundred gallons) and of fulers earth and whiting, 6d, hogſhead of tobacco, 8d,



butt of currants, and hoghead of sugar, and other dry goods, 1s, tierce of sugar, or dry goods, 8d, barrel of pitch or tar, 1d, barrel of groceries or other goods, 2d. For every crate, hamper, and chest of glass, and fine earthen ware, and for every load of coarse earthen ware, 4d. For linen or woollen, 2d per hundred weight. For every hundred weight of rice, logwood, allum, shot, cordage, hemp, and flax, 3 farthings. For every hundred weight of raisins, prunes, and figs, 1d. For every hundred of spices, and other goods, paying duty or freight by the hundred, 2d. For every chest of oranges or lemons, 1d, one hundred feet of paving stone, 4d, thousand of tiles, bricks, or clinkers, and firkin staves, 3d, thousand of statts, 3 halfpence, gross of bottles, 3d. For goods not enumerated, one twelfth of the freight, from London to Weymouth.

#### Harbour-dues and ballast-duties.

**F**OR every British ship, not belonging to inhabitants, which shall load or unload in the harbour, 2s. For every such ship which shall sail into the harbour, and neither load nor unload there, 1s 6d. For every ship belonging to inhabitants, which shall load or unload, 1s and so in proportion to puts of ships belonging to inhabitants. For every foreign ship, which shall sail into the harbour, 3s. For every such ship which shall load or unload, 1d per ton. For every ton of stone taken out of one vessel into another in the harbour, three half pence. For every ton of ballast taken out of one ship into another in the harbour, 10d. For every ton of ballast taken into any ship from the quay, 1s. For every ton of ballast put out of any ship on the quay, 4d. For every ton of ballast put out of one ship into another, 2d. For every ton of ballast taken on board any foreign ship, 2s. For every ton of ballast put out of such ship, 8d.

#### C A P. XXIII.

*An act to charge the sinking fund with the payment of annuities in discharge of navy, victualling, and transport bills, and ordnance adventures, to the amount therein mentioned.*

Most gracious Sovereign,

**W**HEREAS notwithstanding the many and great supplies granted to us in this by several acts on the late war, the following debts and deficiencies (amongst others) remain still due and unpaid for (that is to say) To discharge the bills payable in course of the navy and victualling offices, and for transports, which were made out between the first day of January, one thousand seven hundred and forty seven, and the thirty first day of December, one thousand seven hundred and forty eight, the sum of three millions at the least; and to discharge the adventures payable out of the office of ordnance, which were made out on or before the said thirty first day of December, one thousand seven hundred and forty eight, the sum of two hundred thirty thousand three hundred eighty two pound, five shillings, and one penny, amounting together in the whole to the sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, many of which debts carry an interest after the rate of five pounds per centum per annum now we, your Majesty's most dutiful and faithful subjects, the commons of Great Britain, in parliament assembled, being desirous to do all that becomes dutiful and faithful subjects to render happy and glorious the reign of the best of sovereigns, and having taken into our serious consideration the said debts and deficiencies, and the many ill consequences which may arise to the publick thereby

thereby (if not timely remedied) and being heartily zealous to preſerve the honour of your Maſteſty and the nation, and to eſta- bliſh publick credit, have reſolved (in order to make a provi- ſion for the ſaid debts and deficiencies, amounting to the ſaid ſum of three millions, two hundred thirty thouſand three hun- dred eighty two pounds, five ſhillings, and one penny) to give and grant unto your Maſteſty ſuch ſupply as is hereafter menti- oned, for paying an intereſt or annuity, after the rate of four pounds *per centum per annum*, for the ſaid principal ſum of three millions, two hundred thirty thouſand three hundred eighty two pounds, five ſhillings, and one penny, in lieu of all other intereſt, until the ſame ſhall be redeemed and paid off, in manner hereafter mentioned: and that a good, ſure, and laſting fund may be ſettled and eſta bliſhed for paying the ſaid intereſt or an- nuities, after the ſaid rate of four pounds *per centum per annum*, by half-yearly payments, we do give and grant to your Maſteſty, your heirs and ſucceſſors, for the purpoſes aforeſaid, ſo much monies out of the ſurpluſſes, exceſſes, or overplus monies, com- monly called *The ſinking fund*, as ſhall be ſufficient to ſatiſfy and pay the ſaid annuities, in manner herein after mentioned; and do moſt humbly beſeech your Maſteſty to accept thereof; and that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the annuities which by this act ſhall be granted and made paya- ble, in reſpect of the ſaid principal ſum of three millions, two hundred thirty thouſand three hundred eighty two pounds, five ſhillings, and one penny, until the redemption thereof by par- liament, in manner hereafter mentioned, ſhall from and after the feaſt of the annunciation of the bleſſed virgin *Mary*, one thouſand ſeven hundred and forty nine, be charged and chargea- ble upon, and payable out of the monies which, from and af- ter the ſaid feaſt day, ſhall from time to time ariſe, and be re- maining in the receipt of his Maſteſty's exchequer, of or for the ſaid ſurpluſſes, exceſſes, or overplus monies, commonly called *The ſinking fund* (after paying or reſerving ſufficient to pay all ſuch ſum and ſums of money as have been directed by any for- mer act or acts of parliament to be paid out of the ſame) and the ſaid ſurpluſſes, exceſſes, or overplus monies, are hereby ap- propriated for that purpoſe accordingly.

Annuities chargeable on the principal ſum of 3,230,382 l. 5s. 1d. to be paid out of the ſinking fund.

II. *And whereas it is the true intent and meaning of this act, that all the bills, payable in courſe out of his Maſteſty's offices of the navy, or victualling, or for transports, which were dated or made out in thoſe offices on or before the ſaid thirty firſt day of December, one thouſand ſeven hundred and forty eight, not exceeding the ſaid ſum of three millions, ſhall be carried to the treaſury of his Maſteſty's navy, to be marked and certified to the governor and company of the bank of England; and alſo that all the debentures, payable out of his Maſteſty's office of ordnance, which were dated on or before the ſaid thirty firſt day of December, one thouſand ſeven hundred and forty eight,*

not

Treasurers of the navy and ordnance to take in all navy, victualling, and transport bills, and ordnance debentures, before 20 April, 1749,

and to cancel them, and certify the same to the bank.

Navy bills, or ordnance debentures, made out before 31 Dec. 1748, to be delivered to the treasurers within the time.

Person delivering such bills, or debentures,

not exceeding the said sum of two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, shall be carried to the treasurer of his Majesty's office of ordnance, to be certified by him to the said governor and company of the bank of England; and that the proprietors of such bills and debentures shall, in respect of the principal sums contained in every such bill or debenture, together with the interest thereupon, computed to the twenty fifth day of March, one thousand seven hundred and forty nine, be intitled to an annuity after the rate of four pounds per centum per annum, to commence from the said feast of the annunciation of the blessed Virgin Mary, one thousand seven hundred and forty nine, payable half yearly, and be charged on the said surplusses, excesses, or overplus monies, commonly called The sinking fund, and transferrable at the bank of England, until redeemed by parliament; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of his Majesty's navy for the time being, to take in and receive from all and every person and persons, natives or foreigners, bodies politick or corporate, who are or shall be possessed of, interested in, or intitled unto any such navy, victualling, or transport bills, all such bills as any such person or persons shall, on or before the twentieth day of April, one thousand seven hundred and forty nine, deliver to such treasurer, who is hereby authorized and required to mark and cancel every such bill, and certify the same to the said governor and company of the bank of England; and that it shall also be lawful for the treasurer of his Majesty's office of ordnance in like manner to take in all debentures payable out of the said office of ordnance, which shall, on or before the said twentieth day of April, one thousand seven hundred and forty nine, be delivered to him, who is hereby also authorized and required to cancel the same, and certify every such debenture to the said governor and company of the bank of England.

III. And it is hereby also enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, who shall be possessed of, interested in, or intitled unto any such navy, victualling, or transport bills, payable in course, or any such debentures payable out of the said office of ordnance, which were dated or made out in the said respective offices, on or before the said thirty first day of December, one thousand seven hundred and forty eight, to deliver such bill or bills, debenture or debentures, to the respective treasurers of those offices, to be marked, cancelled, and certified as aforesaid, at any time on or before the said twentieth day of April, one thousand seven hundred and forty nine, at such place or places as have or shall be appointed, and of which publick notice hath or shall be given in the *London Gazette*, and other publick papers for that purpose.

IV. And be it further enacted by the authority aforesaid, That every person and persons, who shall deliver any such bill or bills, debenture or debentures, to such respective treasurers as aforesaid, shall, in respect of the principal sum or sums contained in every

every fuch bill or bills, debenture or debentures, together with the intereft due thereupon to the faid twenty fifth day of *March*, one thoufand feven hundred and forty nine, be intituled to an annuity of 4l. per annuum, to commence from the faid feaft day of the annunciation of the bleffed Virgin *Mary*, one thoufand feven hundred and forty nine, and to be paid and payable to fuch perfon or perfons, or fuch as he, ſhe, or they ſhall nominate his, her, or their executors, adminiftrators, fucceffors, or affigns refpectively. until the redemption thereof by parliament, in manner herein after directed in that behalf, which faid annuities ſhall be paid and payable half yearly, at two of the moſt uſual feaſts or days of payment in the year (that is to ſay) the feaſts of Saint *Michael* the Archangel, and the annunciation of the bleſſed Virgin *Mary*, the firſt payment thereof to be due and payable at the feaſt of Saint *Michael* the Archangel, which ſhall be in the year of our Lord one thoufand feven hundred and forty nine.

V. And be it further enacted by the authority aforeſaid, That all and every perſon and perfons, intituled to any annuity or annuities as aforeſaid, or ſuch as he, ſhe, or they ſhall appoint his, her, or their refpective executors, adminiftrators, fucceffors, or affigns, ſhall have, receive, and enjoy, ſuch refpective annuity or annuities, out of the monies by this act appropriated as aforeſaid, until redemption thereof by parliament, according to the proviſo herein after contained in that behalf; and that all and every ſuch perſon or perfons, their executors, adminiftrators, fucceffors, and affigns refpectively, ſhall have good, ſure, abſolute, and indefeazible eſtates and intereſts in the ſaid annuities, according to the tenor and true meaning of this act; and that all ſuch eſtates and intereſts of and in the ſaid annuities, and every of them, ſhall be, and be adjudged, taken, and accepted in conſtruction of law, and in all courts of law and equity whatſoever, to be a perſonal and not a real eſtate, and ſhall go to the executors or adminiftrators of the perſon or perfons dying poſſeſſed thereof, intereſted therein, or intituled thereunto, and not to the heirs of ſuch perſon or perfons; any law, cuſtom or uſage to the contrary notwithstanding; and that all the ſaid annuities, and every of them, ſhall be free from all taxes, charges, and impoſitions whatſoever.

VI. And be it further enacted by the authority aforeſaid, That the ſaid refpective treaſurers ſhall, and they are hereby authorized and required, upon any perſon or perfons delivering to them any ſuch bill or bills, debenture or debentures, forthwith to give a certificate ſigned by them refpectively, for the principal ſums contained in ſuch bill or bills, debenture or debentures, together with the intereſt thereupon, computed to the ſaid twenty fifth day of *March*, one thoufand feven hundred and forty nine, as aforeſaid, to ſuch perſon or perfons, or his or her affigns; and all ſuch certificates ſhall be assignable by endorſements thereupon made at any time before the twenty ninth day of *September*, one thoufand feven hundred and forty nine, and no longer; and all ſuch

to be intituled  
to an annuity  
of 4l. per  
centum.

Annuities to  
be payable till  
redeemed by  
parliament,

and to be a  
perſonal e-  
ſtate.

Treaſurers to  
give certi-  
ficates for the  
principal ſums  
contained in  
ſuch bills or  
debentures,  
with the in-  
tereſt due.  
Certificates to  
be assignable,  
and not  
chargeable  
with ſtamp  
duty.

ſuch certificates and aſſignments thereupon ſhall not be chargeable with any ſtamp duties, any law or ſtatute to the contrary notwithstanding.

Interest of the bills, &c. carrying intereſt, to be computed to 25 March, 1749, and to be added to the principal.

VII. And be it further enacted by the authority aforeſaid, That the intereſt of ſuch of the ſaid bills and debentures, by this act intended to be delivered up (as carry intereſt) ſhall be computed to the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty nine, and ſhall be added to the principal ſum contained in every ſuch bill or debenture, and ſo much as ſuch principal and intereſt computed as aforeſaid ſhall amount unto, ſhall be the principal ſum for which the perſon or perſons delivering the ſame ſhall be intitled to an annuity after the ſaid rate of four pounds *per centum per annum*, until redemption thereof, in manner hereafter mentioned.

Guardians may deliver up ſuch bills or debentures as infants ſhall be intitled to, &c.

VIII. Provided alſo, and be it further enacted by the authority aforeſaid, That if any infants ſhall by the gift, deviſe, or deceaſe of the parent or other relation of ſuch infants, or otherwiſe become intitled to any of the ſaid bills or debentures intended to be provided for by this act, in ſuch caſe the guardian or guardians, truſtee or truſtees, of ſuch infant or infants, ſhall or may be, and they are hereby impowered, for the benefit of ſuch infant or infants, to deliver up to ſuch reſpective treaſurers, all ſuch of the ſaid bills or debentures, to which ſuch infant or infants ſhall be ſo intitled, and ſuch infant and infants, guardian or guardians, truſtee or truſtees, delivering up ſuch bills or debentures, ſhall be intitled to an annuity or annuities, after the ſaid rate of four pounds *per centum per annum*, in reſpect of the principal ſums contained in ſuch bill or bills, debenture or debentures ſo to be delivered up, together with the intereſt thereupon, computed to the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty nine, to be paid out of the monies by this act appropriated for that purpoſe; and the ſaid guardian or guardians, truſtee or truſtees, ſhall be diſcharged from the ſame, any thing herein contained, or any law, uſage, or cuſtom, to the contrary in any wiſe notwithstanding.

Executors and truſtees of ideots, &c. may deliver up ſuch bills as they ſhall be poſſeſſed of, &c.

IX. Provided alſo, and be it further enacted by the authority aforeſaid, That any perſon or perſons who as executor to, or adminiſtrator, truſtee, committee of an ideot, or lunatick, or perſons of unſound mind, deſpositary or mortgagee, ſhall become poſſeſſed of, intereſted in, or intitled unto any of the ſaid bills or debentures intended to be provided for by this act, ſhall and may deliver up ſuch bills or debentures as they ſhall be ſo poſſeſſed of, intereſted in, or intitled unto, to ſuch reſpective treaſurers as aforeſaid; and as to executors or adminiſtrators, the annuities after the ſaid rate of four pounds *per centum per annum*, which they ſhall be intitled to in reſpect of the principal ſums contained in ſuch bills or debentures ſo by them delivered up, together with the intereſt thereupon, computed to the ſaid twenty fifth day of *March*, one thouſand ſeven hundred and forty nine, as aforeſaid, ſhall be the ſame aſſets in their hands, as the ſaid bills or debentures were or would have been, had they not been

to delivered up for ſuch annuity as aforeſaid; and as to truſtees, committees, depoſitaries and mortgagees, the annuity which they ſhall be intitled unto, for or in reſpect of ſuch truſt, or mortgaged bills or debentures, which they ſhall ſo deliver up to ſuch reſpective treaſurers as aforeſaid, ſhall be ſubject and liable to the ſame truſts and equity of redemption, as ſuch bills or debentures were or would have been, had they not been ſo delivered up for ſuch annuity as aforeſaid.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid governor and company of the bank of *England*, and their ſucceſſors, or ſuch perſon or perſons as they ſhall appoint for that purpoſe, and he and they are hereby reſpectively authorized and required to take in and receive all and every the certificates, to be made out in lieu of the ſaid bills and debentures, by the reſpective treaſurers of his Maſteſty's navy and ordnance as aforeſaid, in purſuance of the directions of this act; and upon the receipt of every ſuch certificate ſhall, and they are hereby required forthwith to give credit in a book or books to be prepared for that purpoſe, for the principal ſums contained in every ſuch certificate ſo brought to them as aforeſaid; and the perſon to whoſe credit ſuch principal ſums ſhall be entered in the ſaid book or books, his, her, or their executors, adminiſtrators, or aſſigns, ſhall and may have power to aſſign and transfer the ſame, or any part, ſhare, or proportion thereof, to any other perſon or perſons, bodies politick or corporate whatſoever, in other books to be prepared and kept for that purpoſe; and the principal ſums ſo aſſigned and transferred, ſhall carry the ſaid annuity of four pounds *per centum per annum*, and ſhall be taken and deemed to be ſtock transferrable by this act, according to the powers and authorities herein after mentioned, until redemption thereof as aforeſaid; and the ſaid governor and company for the time being ſhall alſo, on or before the twenty fourth day of *June*, one thouſand ſeven hundred and fifty, tranſmit an attested duplicate, fairly written on paper, of the ſaid book or books, fiſt herein after mentioned, into the office of the auditor of the receipt of his Maſteſty's exchequer, there to remain for ever.

The bank to receive the certificates, and give credit for the principal ſums.

Bank to tranſmit a copy to the exchequer.

XI. And for the more eaſy and ſure payment of the ſeveral annuities by this act made payable as aforeſaid, amounting in the whole to the ſum of three millions, two hundred thirty thouſand three hundred eighty two pounds, five ſhillings, and one penny, it is hereby further enacted by the authority aforeſaid,

That the ſaid governor and company of the bank of *England*, and their ſucceſſors, ſhall from time to time, until the ſaid annuities after the rate of four pounds *per centum per annum*, ſhall be redeemed according to this act, appoint and employ one or more ſufficient perſons within their office in the city of *London*, to be their chief or fiſt caſhier or caſhiers, and one other ſufficient perſon within the ſame office, to be their accomptant general; and that ſo much of the monies, from time to time, ariſing into the ſaid receipt of the exchequer, of or for the ſaid ſurpluſſes,

The bank to employ a caſhier and accomptant general,

Treasury to order the monies appropri-

ated for the annuities, to be paid by way of impreſt.

pluſſes, exceſſes, or overplus monies, by this act appropriated for this purpoſe, as ſhall be ſufficient from time to time, to answer the ſaid annuities, and other payments directed to be made or diſcharged out of the ſame, ſhall, by order of the commiſſioners of the treaſury, or any three or more of them now being, or the high treaſurer, or commiſſioners of the treaſury of his Majeſty, his heirs or ſucceſſors for the time being, without any further or other warrant to be ſued for, had, or obtained in that behalf, from time to time, at the reſpective half yearly feaſt days, or days of payment, in this act before appointed for payment thereof, be iſſued and paid at the ſaid receipt of exchequer, to the ſaid firſt or chief caſhier or caſhiers of the ſaid governor and company of the bank of *England*, and their ſucceſſors for the time being, by way of impreſt, and upon account, for the payment of the ſaid annuities made payable by this act as aforeſaid, at ſuch times, and in ſuch manner and form, as are by this act preſcribed in that behalf; and that all and every ſuch caſhier

Caſhier to pay the annuities, and give an account to the exchequer.

or caſhiers, to whom the ſaid monies ſhall, from time to time, be iſſued, ſhall, from time to time, without delay, apply and pay the ſame accordingly, and render his account thereof according to the due courſe of the exchequer; any thing herein contained to the contrary notwithstanding.

Accomptant general to inſpect the receipts and payments.

XII. And it is hereby alſo enacted, That the ſaid accomptant general for the time being ſhall, from time to time, inſpect and examine all receipts and payments of the ſaid caſhier or caſhiers, and the vouchers relating thereunto, in order to prevent any frauds, negligence, or delay; and that all and every perſon and perſons whatſoever, who ſhall be intitled to any of the ſaid annuities, after the ſaid rate of four pounds *per centum per annum*, and all perſons lawfully claiming under them, ſhall be poſſeſſed thereof as of a perſonal eſtate, and the ſame ſhall not be defendible to the heir, and ſhall not be liable to any foreign attachment by the cuſtom of *London*, or otherwiſe; any law, ſtatute, or cuſtom to the contrary notwithstanding.

Annuities to be a joint ſtock.

XIII. And be it further enacted by the authority aforeſaid, That all the monies intended to be converted into annuities by virtue of this act, ſhall be deemed, reputed, and taken to be one capital or joint ſtock, on which the ſaid annuities, after the ſaid rate of four pounds *per centum per annum*, ſhall be attending; and that all and every perſon and perſons, and corporations whatſoever, in proportion to the money which he, ſhe, or they ſhall be intitled to as aforeſaid, ſhall have, and be deemed to have a proportional intereſt and ſhare in the ſaid ſtock, and in the annuity attending the ſame, at the rate aforeſaid; and that the ſaid whole capital or joint ſtock, or any ſhare or intereſt therein, and the proportional annuity attending the ſame, ſhall be aſſignable and transferrable as this act directs, and not otherwiſe; and that there ſhall conſtantly be kept, at all reaſonable times, in the office of the ſaid accomptant general for the time being, within the city of *London*, a book or books, wherein all aſſignments or transfers of the ſaid whole capital or joint ſtock

Shares to be transferred.

or any part thereof, and the proportional annuity attending the fame, at the rate aforefaid, ſhall be entered and registered; which entries ſhall be conceived in proper words for that purpoſe, and ſhall be ſigned by the parties making ſuch assignments or transfers; or if ſuch party be abſent, by his, her, or their attorney or attorneys thereunto lawfully authorized, by writing under his, her, or their hands and ſeals, to be attested by two or more credible witneſſes; and that the perſon or perſons to whom ſuch transfer ſhall be made, do underwrite his, her, or their acceptance thereof; and that no other method of aſſigning or transferring the ſaid ſtock, and the annuities attending the ſame, or any part thereof, or any intereſt therein, ſhall be good and available in law; and that no ſtamp duties whatſoever ſhall be charged on the ſaid transfers, or any of them; any other law or ſtatute to the contrary notwithstanding.

Method of transferring.

XIV. Provided always, and it is hereby further enacted by the authority aforeſaid, That the ſaid governor and company of the bank of *England*, and their ſucceſſors, (notwithſtanding the redemption of all or any their own funds, in purſuance of the acts for eſtabliſhing the ſame, or any of them) ſhall continue a corporation with all the powers, privileges, and advantages thereunto belonging, for the purpoſes in this act expreſſed, till all the annuities to be purchaſed under this act ſhall be redeemed by parliament, according to the proviſo herein after contained in that behalf; and the ſaid governor and company, or any members thereof, ſhall not incur any diſability for or by reaſon of their doing any matter or thing in purſuance of this act.

The bank to continue a corporation till the annuities be redeemed.

XV. And it is hereby enacted by the authority aforeſaid, That no fee or gratuity whatſoever ſhall be demanded or taken for receiving or taking in the ſaid bills or debentures, or any of them, or for granting certificates in lieu thereof as aforeſaid, or for iſſuing the monies for paying the ſaid annuities, or any of them; and that no fee or gratuity ſhall be demanded or taken for any transfer of any ſum, great or ſmall, to be made in purſuance of this act, upon pain that any officer or perſon offending, by taking or demanding any fee or gratuity contrary to this act, ſhall forfeit the ſum of twenty pounds to the party grieved, to be recovered with full coſts of ſuit, in any of his Maſteſty's courts of record at *Weſtmiſter*.

No fee ſet receiving the bills, granting certificates, or for any tranſfer.

Penalty 20l.

XVI. Provided always, and be it enacted by the authority aforeſaid, That the commiſſioners of the treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, ſhall have power, and they are hereby authorized to reward all ſuch perſons as ſhall be any ways employed in the execution of this act, for their ſervice, pains, and labour; and alſo to defray ſuch incident charges as ſhall neceſſarily attend the ſame, out of the ſaid ſurpluſſes, exceſſes, or overplus monies; and alſo to appoint ſuch allowances (out of the ſaid ſurpluſſes, exceſſes, or overplus monies) for the ſervice, pains, and labour

Treaſury to reward perſons employed in the execution of this act, &c.

of



Allowances  
made to th  
officers of the  
bank, to be at  
the disposal of  
the company

of the cashier or cashiers of the said governor and company of the bank of *England*, for receiving, paying, and accounting for the said annuities made payable by this act, and also for the service, pains, and trouble of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act, as they shall think just and reasonable; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour of any officer or officers of the said governor and company of the bank of *England*, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

Clause of re-  
demption.

XVII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice, to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* of *London*, by authority of parliament, at any of the half yearly feast days for payment of the same annuities; and upon repayment by parliament of the principal sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny (by payments not being less than five hundred thousand pounds at a time) for which the said annuities are payable to such respective persons or corporations as shall be intitled to the same annuities; and also upon full payment of all arrearages of the same annuities, then, and not till then, the said respective annuities, or a proportional part thereof, shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said surplusses, excesses, and overplus monies, by this act granted as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed at the *Royal Exchange* of *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

General issue.

Treble costs.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act, or of any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his and their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgment shall be given against him or them upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

## CAP. XXIV.

*An act for remedying inconveniencies which may happen by proceedings in actions on the statutes of hue and cry.*

FOR remedying inconveniencies which may happen by proceedings in actions on the statutes of *Hue and Cry*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and forty nine, no person whatsoever shall recover against any inhabitant or inhabitants of any hundred, in any action on any of the statutes of *Hue and Cry*, more than the value of two hundred pounds, unless the person or persons so robbed shall, at the time of such robbery, for which such action shall be brought, be together in company, and be in number two at the least, to attest the truth of his or their being so robbed; any law, statute, or provision to the contrary in any wise notwithstanding.

No person to recover in any action on the statutes of *Hue and Cry* of more than 200 l. unless at the time of the robbery there be two present to attest the truth thereof.

## CAP. XXV.

*An act to explain and amend so much of an act made in the ninth year of the reign of Queen Anne, intituled, An act for establishing a general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; as relates to horses or furniture to be let to persons riding post.*

WHEREAS by an act made in the ninth year of the reign of her late majesty Queen Anne, intituled, An act for establishing a general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; it is (amongst other things) enacted, That no person or persons shall presume to keep, provide, and maintain horses or furniture for the horsing of any person or persons riding post (that is to say) riding several stages upon a post road, and changing horses, or shall lett to hire, or furnish any person or persons whatsoever with horses or furniture for riding post as aforesaid, on any of the roads or stages now or hereafter to be appointed, with or without a guide or horn, for hire or reward, or any agreement or promise of reward, whereby he or they may have any profit or advantage, on pain of forfeiting the sum of five pounds for every several offence against the tenor of the said act: and whereas the said restriction hath been construed to extend to chaises and calasbells lett out for hire, and which change horses at certain stages upon the post roads, in like manner as horses lett out by the post office are changed; be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

The act not to prohibit the furnishing chaises, &c. upon the road.

ment assembled, and by the authority of the same, That nothing in the said act contained doth or shall extend, or be construed to extend, to restrain or prohibit the letting out for hire, chaises, or calashes, with horses to draw the same, or the furnishing horses for drawing chaises or calashes at any stage or stages upon any post road to any person whatsoever; and that it shall and may be lawful for all persons to lett out for hire, as well upon the post roads as elsewhere, chaises duly licensed, with horses to draw the same, and to furnish or exchange horses for drawing any such chaises or calashes; any thing in the said act to the contrary in any wise notwithstanding.

Persons letting chaises may furnish horses for persons attending.

II. Provided also, and be it further enacted by the authority aforesaid, That it shall be lawful for all persons who lett out chaises or calashes with horses for hire, to lett out horses and furniture for horsing any person or persons accompanying or attending any person or persons who shall travel in chaises or calashes, and to change such horses and furniture in manner as is before-mentioned.

This act not to defeat any judgment before 25 March, 1749.

III. Provided always, and it is hereby declared and enacted, That nothing herein contained shall be construed to extend to stay, annul, or defeat any judgment or verdict obtained by virtue of the said above-recited act of the ninth year of her late majesty Queen Anne, on or before the twenty fifth day of March, one thousand seven hundred and forty nine, or the proceedings thereon; any thing herein contained to the contrary notwithstanding.

#### CAP. XXVI.

An act for repairing and widening the several roads leading into the town of Ross in the county of Hereford.

*Certain tolls granted for 21 years.*

#### CAP. XXVII.

*An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of bats, and in the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of of their wages.*

13 Geo 2. c. 8.  
13 Annæ, stat. 2.  
c. 18.

WHEREAS by an act made in the thirteenth year of his present Majesty's reign, intituled, An act to explain and amend an act made in the first year of the reign of her late majesty Queen Anne, intituled, *An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linnen, fustian, cotton, and iron manufactures of this kingdom, and for extending the said act to the manufactures of leather, it is amongst other things enacted, That if any person or persons hired or employed in the working up of any woollen, linnen, fustian, cot-*

ton, or iron manufactures, ſhall purloin, imbezil, ſecrete, ſell, pawn, exchange, or otherwiſe illegally diſpoſe of any the materials with which he, ſhe, or they ſhall be reſpectively entrusted to work up ſuch woollen, linnen, ſuſtian, cotton, or iron manufactures, whether the ſame be or be not firſt made up or manufactured, or ſhall reel falſe or ſhort yarn, the perſon or perſons ſo offending, and being thereof convicted in manner preſcribed by the ſaid act of the firſt year of her ſaid late Maſteſty's reign, ſhall forfeit double the value of the damages which the owner or owners of ſuch materials ſhall reſpectively ſuſtain there together with full coſts of proſecution for every ſuch offence: in caſe immediate payment of the reſpective forfeitures, together ſuch coſts of proſecution as aforeſaid, ſhall be neglected or reſuſed to be made, then it ſhall and may be lawful to and for the ſame juſtice of the peace, before whom ſuch conviction ſhall be made, to cauſe the offender or offenders to be committed to the houſe of correction, to be there whipped and kept to hard labour for any time not exceeding fourteen days: and in caſe of a further conviction for a ſecond or other ſubſequent offence for imbezilling or purloining any of the materials in the ſaid act of the firſt year of her ſaid late Maſteſty's reign mentioned, that the perſon or perſons ſo offending ſhall, for every ſecond or other ſubſequent offence, forfeit four times the value of the damages which the owner or owners of ſuch materials (whether the ſame be or be not made up or manufactured) ſhall ſuſtain thereby, together with ſuch coſts of proſecution, as ſhall be adjudged reaſonable by the juſtice before whom ſuch offender or offenders ſhall be reſpectively convicted: and in caſe immediate payment of the reſpective forfeitures, together with ſuch coſts of proſecution as aforeſaid, ſhall be neglected or reſuſed to be made, that then ſuch juſtice, or any other juſtice of the peace for the county, riding, diſviſion, city, town, or place, where ſuch offences ſhall be committed, ſhall cauſe the ſaid offenders to be committed to the houſe of correction, to be there kept to hard labour for any time not exceeding three months, nor leſs than one month, as to ſuch juſtice ſhall ſeem reaſonable, and alſo during the time of ſuch commitment ſhall cauſe the ſaid offender or offenders to be publicly whipped in the market town where ſuch offender or offenders ſhall be reſpectively committed, at the market place or croſs of ſuch town, once or oftener, as to ſuch juſtice ſhall ſeem reaſonable: and it is by the ſaid act of the thirteenth year of his preſent Maſteſty's reign alſo further enacted, That every perſon or perſons who ſhall buy or receive, accept or take, by way of gift, pawn, pledge, or ſale of or from any of the perſons in the ſaid act of the firſt year of her ſaid late Maſteſty's reign mentioned, any woollen, linnen, ſuſtian, cotton, or iron manufactures, either before or after the ſame ſhall be manufactured or converted into merchantable wares, knowing the ſame to be ſo purloined or imbezilled, and being thereof lawfully convicted, ſhall ſeverally ſuffer the like forfeitures and penalties as are by the ſaid acts reſpectively inflicted on perſons purloining or imbezilling ſuch of the materials or manufactures enumerated in the ſaid acts reſpectively; all which forfeitures, when recovered, are by the ſaid act of the thirteenth year of his preſent Maſteſty's reign directed to be applied in manner following; that is to ſay, one moiety thereof to the uſe of the party or

parties injured, and the other moiety to the use of the poor of the parish only where the offence shall be committed, with the like liberty and benefit of appealing to all parties, as is given in and by the said act of the first year of her said late Majesty: and it is by the said act of the thirteenth year of his present Majesty's reign also further enacted, That if any person or persons hired or employed in cutting, paring, washing, dressing, sewing, making up, or otherwise manufacturing of gloves, breeches, leather, skins, boots, shoes, slippers, wares, or other goods or merchandizes, to be made use of in any of the trades or employments, or in manner last-mentioned, or in any branch or particular thereof, shall fraudulently purloin, imbezil, secrete, sell, pawn, or exchange all or any part of the gloves, breeches, leather, skins, parings or shreds of gloves or leather, or other materials with which he, she, or they shall be entrusted to work up or manufacture, or shall purloin, imbezil, secrete, sell, pawn, or exchange any gloves, breeches, boots, shoes, slippers, or wares, when made, wrought up, or manufactured, or do or wilfully permit any other act, to lessen the value of such, or any part of such gloves, breeches, leather, skins, parings or shreds of gloves or leather, boots, shoes, slippers, or other ware last particularized, either before or after the same shall be respectively so made into wares, and be thereof lawfully convicted in manner prescribed by the said last-mentioned act, before one or more justice or justices of the peace for the county, riding, division, city, town, or place where such offence shall be committed, or where the party or parties so charged shall reside or inhabit, such justice or justices shall and may award the person or persons so offending, to make a reasonable and suitable recompence and satisfaction for every offence to the parties respectively injured, for the damage by them sustained, so as the same do not exceed double the value of the gloves, breeches, leather, boots, shoes, slippers, wares, goods, or materials, by such offender or offenders so purloined, or imbezilled, secreted, sold, pawned, or exchanged; one half thereof to go to the party or parties grieved, and the other half to the use of the poor of the parish or place where such offence shall be committed; together with the full charges attending such conviction; to be levied by warrant under the hand and seal, or hands and seals of such justice or justices by distress and sale of the offenders goods; but if such offender or offenders shall not have goods sufficient to answer the forfeitures and the expences attending the premises, and shall also neglect or refuse immediately to pay the same, that then the said offender or offenders, shall, by like warrant of such justice or justices last described, be for every distinct offence committed to the house of correction, or other publick prison of such county, riding, city, town, or place, and there kept to hard labour for the space of fourteen days, and shall be there likewise whipped in such manner, as the said justice or justices shall order and direct; and in case also of a subsequent conviction for a second or any other such like offence, that the person or persons so offending, for every second or other subsequent offence, shall forfeit four times the value of the damages which the owner or owners of such materials, either before or after the same shall be respectively made up into wares, shall sustain thereby, together with such costs or prosecution, as shall be adjudged reasonable

redemable by the justice, before whom such offender or offenders shall be respectively convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for such justice to commit the offender or offenders last described to the house of correction, or other publick prison, to be there kept to hard labour, for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable; and also, during the time of such commitment, sha'l cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to the justice shall seem reasonable: and it is by the said act of the thirtieth year of his present Majesty's reign also further enacted, That every person and persons who shall knowingly or willingly buy or receive, accept to take, by way of pawn, pledge, sale, or in any other manner, of or from any of the persons offending in either of the particulars last-mentioned, or of or from any other person or persons whatsoever (except of or from the person or persons in whom the property of such gloves, breeches, leather, boots, shoes, slippers, wares, goods, or other materials, shall be at the time of such sale, pawn, or exchange) or offer so to do, such person or persons offending therein respectively, shall, for every offence, being convicted thereof in manner before prescribed by the said last-mentioned act, make such suitable and reasonable recompence and satisfaction, within two days next after the matter of fact shall be determined by any one or more justice or justices as aforesaid, upon hearing the same, or else be subject to such distress, and for want of sufficient distress, to be liable to the like punishment as is by the said act directed to be inflicted on such person or persons as shall purloin, imbezil, secrete, sell, pawn, or exchange any gloves, breeches, leather, boots shoes, slippers, wares, goods, or other materials or effects of that sort as aforesaid, and so in like manner for any second and every other subsequent offence: and whereas the penalties and forfeitures to which offenders against the said acts are subjected, have not been sufficient to deter persons from committing the offences thereby intended to be prevented: and whereas many persons employed in the making of felts or hats, and in preparing or working up the manufactures of furr, hemp, flax, mohair, and silk, and also the manufactures made of wooll, furr, hemp, flax, mohair, cotton, or silk, or some of them mixed one with another, have of late been guilty of divers frauds and abuses, by purloining, imbezilling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of the materials with which they have been entrusted, and it is therefore become necessary to make provision for preventing such offences for the future: therefore for amending and rendering more effectual the said act made in the thirteenth year of his present Majesty's reign, and for extending the provisions and regulations therein and herein made, to the several manufactures herein before mentioned, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or

Persons employed in the manufactures described, being convicted of imbezilling, &c. any of the materials,

or of reeling false or short yarn,

to be committed,

and publicly whipped.

Penalty of a subsequent offence.

Persons convicted of buying or receiving materials from workmen,

persons whatsoever, who shall be hired or employed to make any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silk manufactures, or any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or silk, or of any of the said materials, mixed one with another, shall, from and after the twenty fourth day of *June*, one thousand seven hundred and forty nine, purloin, imbezil, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any of the materials, with which he, she, or they shall be respectively entrusted, whether the same, or any part thereof, be or be not first wrought, made up, manufactured, or converted into merchantable wares, or shall reel false or short yarn, and shall be thereof lawfully convicted, by the oath of (if the owner thereof be of the people called *Quakers*), solemn affirmation of the owner of such goods or materials, or by the oath or affirmation of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town, or place, where such offence shall be committed, or where the person or persons so charged shall reside or inhabit (which oath or affirmation the said justice or justices is and are hereby impowered and required to administer) it shall and may be lawful to and for the said justice or justices, by warrant under his or their hand and seal, or hands and seals, to commit the person or persons so convicted to the house of correction, or other publick prison of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of fourteen days, and also to order the person or persons so convicted, to be once publicly whipped at the market place, or some other publick place of the city, town, or place, where such offender or offenders shall be respectively committed; and in case of a further conviction, in manner before prescribed by this act, for or upon a second or other subsequent offence of the same kind, it shall and may be lawful to and for the justice or justices, before whom such conviction shall be had, to commit the person or persons so again offending, to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, and also to order the person or persons so again offending, to be publicly whipped at the market place, or some other publick place of the city, town, or place where such offender or offenders shall be respectively committed, twice or oftner, as to such justice or justices shall appear reasonable; any thing in the said act of the first year of her said late Majesty's reign, or in the said in part recited act of the thirteenth year of his present Majesty's reign, to the contrary in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall buy, receive, accept, or take, by way of gift, pawn, pledge, sale, or exchange, or in any other manner whatsoever, of or from any person or persons, hired or employed

ployed to make any felt or hat, or to prepare or work up the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silk manufactures, or any manufactures made up of wooll, furr, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another, any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, or iron, or any leather, mohair, or silk, whether the same, or any part thereof, be or be not first wrought, made up, or manufactured, knowing the person or persons of whom he, she, or they, do buy, receive, accept, or take the said materials, to be so hired or employed as aforesaid, and not having first obtained the consent of the person or persons so hiring or employing him, her, or them, who shall offer to sell, pawn, pledge, exchange, or otherwise dispose of the said materials, or shall buy, receive, accept, or take, in any manner whatsoever, of or from any other person or persons whomsoever any of the said materials, whether the same be or be not first wrought, made up, or manufactured, knowing the same to be so purloined or imbezilled, then, and in every such case, the person or persons so buying, receiving, accepting, or taking any such materials, being thereof lawfully convicted, in manner before prescribed by this act, for the conviction of persons purloining or imbezilling the said materials, shall, for the first offence, forfeit the sum of twenty pounds; and in case the said forfeiture shall not be immediately paid, the justice or justices before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour, for the space of fourteen days, unless the said forfeiture shall be sooner paid; and if within two days before the expiration of the said fourteen days, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required, to order the person or persons so convicted, to be publicly whipped at the market place, or some other publick place of the city, town, or place where such offender or offenders shall be respectively committed, once or oftener, as to such justice or justices shall appear reasonable; and in case of a further conviction, for or upon a second or any other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner before prescribed by this act, shall, for every second or other subsequent offence, forfeit the sum of forty pounds; and in case the said forfeiture shall not be immediately paid, the justice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders shall be so committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required to order such offender or offenders

to forfeit for the first offence 20l. and on nonpayment to be committed,

and whipped;

and in case of subsequent offence,

to forfeit 40l. &c.



ders to be publicly whipped at the market place, or some other publick place of the city, town, or place, where he, she, or they shall be respectively committed, twice or oftener, as to such justice or justices shall appear reasonable; and the said respective forfeitures of twenty pounds and forty pounds, when recovered, after satisfaction shall have been made thereout to the party or parties injured, together with such costs of prosecution as shall be judged reasonable by the justice or justices before whom such conviction shall have been had, shall be equally distributed amongst the poor of the parish or place where the person or persons so convicted shall reside or inhabit; any thing in the said two first-mentioned acts, or either of them, to the contrary in any wise notwithstanding.

Appeal given  
to persons con-  
victed of buy-  
ing materials.

The appellant  
giving security,  
&c.

III. Provided always, and it is hereby enacted, That if any person convicted as aforesaid, of buying, receiving, or taking to pawn, any of the materials herein before-mentioned, shall think himself or herself aggrieved by the judgement of the justice or justices, before whom he, she, or they shall have been convicted, such person shall have liberty to appeal to the justices, at the next general or quarter sessions of the peace, which shall be held for the county, riding, division, city, liberty, town, or place where such judgement shall have been given; and that the execution of the said judgement shall in such case be suspended, the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall have been adjudged to forfeit, upon condition to prosecute such appeal with effect, and to be forth coming to abide the judgement and determination of the justices in the said general or quarter sessions; which recognizance the said justice or justices, before whom such conviction shall be had, is and are hereby impowered and required to take; and the justices, in the said general or quarter sessions, are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if upon the hearing of the said appeal, the judgement of the justice or justices, before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices, in the said general or quarter sessions shall award, to be paid by him or them for defraying the expences sustained by the defendant or defendants in such appeal; or in default of making such payments, shall suffer the respective pains and penalties by this act inflicted upon persons who shall neglect to pay, or shall not pay the respective forfeitures by this act imposed upon such as shall be convicted of buying, receiving, or taking to pawn any of the materials herein before-mentioned, which shall have been purloined or imbezelled.

Justices im-  
pow'ed to

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall be charged with, and afterwards convicted

convicted of purloining or imbezilling any of the aforesaid materials, or of buying or receiving the same in manner before described, it shall and may be lawful to and for the justice or justices of the peace, before whom such conviction shall be had, to issue a warrant under his or their hand and seal, or hands and seals, directed to any person or persons, empowering him or them, in the presence of a constable or headborough, and in the day time, to enter into and search the houses, out-houses, shops, cellars, vaults, and other places belonging to the person or persons so convicted as aforesaid; and if upon any such search or searches, here shall be found any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, iron, leather, mphaire, or silk, it shall and may be lawful to and for the person or persons empowered to make such search or searches as aforesaid, to bring such materials before the said justice or justices, to be by him or them detained and kept in safe custody; and if within the space of twenty four days next after such thrums, or ends of yarn, or other materials shall be so taken and detained, it shall be made appear to the satisfaction of the said justice or justices, that the person or persons from whose houses, out-houses, shops, cellars, vaults, or other places as aforesaid, the said materials shall be so taken and detained, is or are the lawful owner or owners thereof, and came to the possession of the same in an honest and lawful manner, then all such thrums or ends of yarn, or other materials, so taken and kept as aforesaid, shall be restored to the person or persons out of whose custody or possession the same shall have been so taken; but in case it shall not be made appear within the time before limited, to the satisfaction of the said justice or justices, that the person or persons convicted as aforesaid, is or are the lawful owner or owners of the said materials so taken and detained as aforesaid, then, and in every such case, the said materials shall be deemed and adjudged to be purloined and imbezilled; and it shall and may be lawful to and for the said justice or justices to direct all such thrums or ends of yarn, or other materials, to be publickly sold, and the money arising by such sale (the charges of such sale being first deducted) to be equally distributed amongst the poor of the parish or place where the person or persons so convicted shall reside or inhabit.

V. Provided always, and it is hereby enacted, That the said justice or justices shall, within three days after such materials shall be brought to him or them as aforesaid, give notice thereof in writing under his or their hand and seal, or hands and seals, to the person or persons convicted as aforesaid, appointing in such notice a time and place for his, her, or their attending, in order to make out and prove his, her, or their property in such materials so taken and detained as aforesaid; which time so to be appointed, shall be within twenty one days, and not less than eighteen days after such notice given; and if the person or persons so convicted, shall be detained in any house of correction, or other prison as aforesaid, the said justice or justices

grant a warrant to search the houses, &c. of persons convicted of purloining, &c.

Justice to give notice to the convict, of the materials brought to him, in order to prove his property, &c.

Justices shall also cause a copy of the said notice, attested under his or their hand and seal, or hands and seals, to be delivered to the master or keeper of such house of correction, or other prison; which master or keeper is hereby required to bring, or cause to be brought, before such justice or justices, the person or persons named in such notice, at the time and place therein specified, if the person or persons named in such notice be then in the custody of such master or keeper; and if any such master or keeper shall neglect or refuse so to do, such master or keeper shall, for every such neglect or refusal, forfeit to the person or persons respectively named in such notice, the full value of the materials so taken, detained, and sold; to be recovered by distress and sale of the goods and chattels of such master or keeper, by warrant under the hand and seal, or hands and seals of the justice or justices signing such notice, in case the said forfeiture shall not be immediately paid.

Persons aggrieved may appeal.

Notice of appeal to be given.

V. Provided also, and it is hereby further enacted, That if any person shall think himself or herself aggrieved by the judgment or order of the said justice or justices, relating to the sale or disposal of the said materials so found and detained as aforesaid, such person shall have liberty to appeal against the judgment or order of the said justice or justices, to the justices of the peace in the general or quarter session of the peace which shall be held for the same county, riding, division, city, liberty, or town corporate, next after such judgment or order shall be given or made; and that in the mean time the sale and disposal of such materials shall be postponed; notice in writing under the hand of the person intending to appeal, signifying such his or her intention, being given to the justice or justices by whom such order shall have been made, before the time appointed for the sale and disposal of such materials; and the justices of the peace in the said general or quarter sessions of the peace, are hereby authorized and empowered to summon and examine witnesses upon oath (or being of the people called *Quakers*, upon their solemn affirmation) and to hear and finally determine the matter of the said appeal; and in case the said appellant shall not prosecute such his or her appeal, or for any other cause the judgment of the said justice or justices by whom such order shall have been made shall be affirmed, it shall and may be lawful to and for the justices in the said general or quarter sessions of the peace, to award such costs as they, in their discretion, shall think reasonable to be paid by the appellant for defraying the expences sustained by the defendant or defendants in such appeal.

Penalty on workmen not returning the remains of the materials, within 21 days.

VII. And be it further enacted by the authority aforesaid, That if any person or persons entrusted with any of the materials herein-before mentioned, in order to prepare, work up, or manufacture the same, shall not use all such materials in the preparing, working up, or manufacturing of the same, and shall neglect or delay, for the space of twenty one days after such

such materials shall be prepared, worked up, or manufactured, to return (if required by the owner or owners of such materials so to do) so much of the said materials as shall not be used as aforesaid, to the person or persons entrusting him, her, or them therewith, such neglect or delay shall be deemed and adjudged to be an imbezilling or purloining of such materials; and the person or persons so neglecting or delaying, being thereof convicted, in manner before prescribed for the conviction of offenders against this act, shall suffer the like punishment, as persons convicted of imbezilling or purloining any of the materials herein before-mentioned, are by this act rendered subject and liable to.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town, or place, and he is hereby required, upon complaint to him made upon oath, or (if the person complaining be of the people called *Quakers*) solemn affirmation of any offence committed against this act within the same county, riding, division, city, liberty, town, or place, to issue his warrant for apprehending and bringing before him, or before any other justice or justices of the peace of the same county, riding, division, city, liberty, town, or place, the person or persons charged with such offence; and the justice or justices, before whom such person or persons shall be brought, is and are hereby authorized and required to hear and determine the matter of every such complaint, and to proceed to conviction and judgement thereupon.

Justice to issue his warrant upon complaint of any offence against this act.

IX. And, for the better regulating of the journeymen, and other persons employed as manufacturers or workers in the manufacture of felts or hats, and in the woollen, linnen, fustian, cotton, iron, mohair, furr, hemp, flax, or silk manufactures, or any manufactures made up of wooll, furr, hemp, flax, linnen, cotton, mohair, or silk, or any of the said materials mixed one with another, be it further enacted by the authority aforesaid, That if any person who, at any time after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, shall be hired, retained, or employed to prepare or work up any of the manufactures herein before-mentioned for any one master, shall neglect or refuse the performance thereof, by procuring or permitting himself or herself to be subsequently retained or employed by any other master or person whatsoever, before he or she shall have completed the work which he or she was first and originally so hired, retained, or employed to perform, and which was first delivered to him or her, then, and in every such case, the person so offending, being thereof lawfully convicted by the oath, or (being of the people called *Quakers*) affirmation of one or more credible witness or witnesses, before one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place, where the offence or offences shall be committed, shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

Journeymen not completing their work, &c.

to be committed.

X. Pro-

Limitation of  
the powers of  
this act.

13 & 14 C. r. 2.  
c. 15.

20 Car. 2. c. 6.

8 & 9 W 3 c. 36.

None to be  
punished;  
twice for the  
same offence.

12 Geo 1 c. 34.

X. Provided always, and it is hereby enacted and declared, That this act, or any thing therein contained, shall not extend, or be construed to extend to repeal any of the provisions mentioned and contained in an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, *An act for regulating the trade of silk-throwing*; or in an act made in the twentieth year of the reign of King Charles the Second, intituled, *An act to regulate the trade of silk-throwing*; or in an act made in the eighth and ninth years of the reign of King William the Third, intituled, *An act for the further encouragement of the manufacture of lustrings and alamodes within this realm, and for the better preventing the importation of the same*; for the punishment of silk winders, doublers, and other persons, convicted of purloining, imbezilling, pawning, selling, or detaining, any silk delivered them to wind, double, or work up, or after the same is wrought up, and of the buyers, receivers, or persons taking to pawn any silk so imbezilled or purloined, but that the said provisions shall remain in full force, and the penalties and forfeitures to which offenders against the said acts are thereby respectively subjected, may be levied, recovered, and inflicted in the same manner as such penalties and forfeitures might have been levied, recovered, and inflicted before the making of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

XI. Provided nevertheless, and it is hereby further enacted and declared, That no person shall, by virtue of the said acts herein before last-mentioned, or of this act, suffer or be liable to suffer the punishments thereby inflicted, twice for one and the same fact or offence.

XII. And whereas by an act made in the twelfth year of the reign of his late majesty King George the First, intituled, *An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages, all contracts, covenants, or agreements, and all by-laws, ordinances, rules, or orders made or entered into, or hereafter to be made or entered into, by or between any persons brought up in, or professing, using, or exercising the art and mystery of a wooll comber, or weaver, or journeyman wooll comber, or journeyman weaver, in any parish or place within this kingdom, for regulating the said trade or mystery, or for regulating or settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, are declared to be illegal, null, and void to all intents and purposes: and it is, by the said last-mentioned act (amongst other things) enacted, That if any wool comber, or weaver, or journeyman wool comber, or journeyman weaver, or other person concerned in any of the woollen manufactures of this kingdom, shall at any time keep up, continue, act in, make, enter into, sign, seal, or be knowingly concerned in any contract, covenant or agreement, by law, ordinance, rule, or order of any club, society, or combination, by the said act declared to be illegal, or shall presume or attempt to put any such illegal agreement, by-law, ordinance, rule, or order in execution, every person so offending being thereof lawfully convicted in manner prescribed by the said act, shall at the discretion of the justices of the peace, before whom such conviction*

viſtion ſhall be had, be committed either to the houſe of correction, there to be kept to hard labour for any time not exceeding three months, or in the common gaol of the county, city, town, or place where ſuch offence ſhall be committed, there to remain without bail or mainprize, for any time not exceeding three months: and it is, by the ſaid laſt-mentioned act, alſo further enacted, That if any perſon retained or employed as a wool comber or weaver, or ſervant in the art or myſtery of a wool comber or weaver, ſhall depart from his ſervice before the end of the time for which he is hired or retained, or ſhall quit or return his work before the ſame ſhall be finiſhed according to agreement, unleſs it be for ſome reaſonable cauſe to be allowed by two or more juſtices of the peace within their reſpective juriſdictions, every perſon ſo offending, being thereof convicted in manner preſcribed by the ſaid act, ſhall be committed to the houſe of correction, there to be kept to hard labour for any time not exceeding three months; and if any wool comber, weaver, ſervant, or perſon hired, retained, or employed in the ſaid art or myſtery, ſhall wilfully damnify, ſpoil, or deſtroy (without the conſent of the owner) any of the goods, wares, or work committed to his care or charge, or wherewith he ſhall be entruſted; ſuch offender being thereof convicted, ſhall forfeit and pay to the owner or owners of ſuch goods or wares ſo damnified, ſpoiled, or deſtroyed, double the value thereof; to be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant or warrants under the hands and ſeals of any two or more juſtices of the peace, within their reſpective juriſdictions; and, for want of ſufficient diſtreſs, ſuch juſtices ſhall commit the party or parties offending to the houſe of correction, there to be kept to hard labour, for any time not exceeding three months, or until ſatisfaction be made to the party or parties aggrieved for the ſame: and it is, by the ſaid laſt-mentioned act, alſo further enacted, That every clothier, ſerge maker, or woollen or worſted ſtuff maker, or perſon concerned in making any woollen cloths, ſirges, or ſuffs, or concerned in employing wool combers, weavers, or other labourers in the woollen manuſactury, ſhall pay to all perſons by them employed in the woollen manuſacture, the full wages, or other price agreed on, in good and lawful money of this kingdom, and ſhall not pay the ſaid wages, or other price agreed on, or any part thereof, in goods, or by way of truck, or in any other manner than in money, or make any deduction from ſuch wages or price, for or on account of any goods ſold or delivered, previous to ſuch agreement, by any perſon or perſons whatſoever: and for the more eaſy recovery of the ſaid wages, or price agreed on, any two or more juſtices of the peace, within their reſpective juriſdictions, are authorized and required, upon complaint made for that purpoſe, to ſummon before them the party or parties offending, and for nonpayment of ſuch wages, or price agreed on, in money as aforeſaid, or ſufficient ſatisfaction given for the ſame, to the good liking of the party or parties aggrieved, to iſſue their warrant or warrants, under their hands and ſeals, for levying ſuch wages or price due as aforeſaid, by diſtreſs and ſale of the offender's goods and chattels, rendering the overplus to the owner; and for want of ſufficient diſtreſs, to commit the party or parties offending to the common gaol of the county, city, town, or place, where ſuch offence ſhall be committed,

committed, there to remain without bail or mainprize for the space of six months, or until he, she, or they shall pay such wages, or price agreed on, in money as aforesaid, or give full satisfaction for the payment of the same, to the good liking of the party grieved: and it is, by the said last-mentioned act, also further enacted, That if any smith, serje maker, woollen or worsted stuff maker, or person concerned in making any woollen cloths, serges, or stuffs, or any way concerned in employing wool combers, weavers, or other labourers in the woollen manufactory, shall pay any person or persons employed by them, their wages, or other price agreed on, or any part thereof, either in goods, or by way of truck, or in any other manner than in money, every person so offending, shall also forfeit and pay the sum of ten pounds, one moiety thereof to the informer, and the other moiety to the party or parties aggrieved, to be levied by distress and sale of the offender's goods as aforesaid, rendering the overplus (if any be) to the owner: and it is, by the said last-mentioned act, also provided, That it shall be lawful for any person aggrieved, by any order or orders, to be made by any two or more justices of the peace as aforesaid, to appeal to the justices of the peace at the next general quarter sessions to be holden for the county, city, division, parish, or place, where such order shall be made, giving reasonable notice of such appeal, the reasonableness of which notice shall be determined by the justices at the quarter sessions to which such appeal is made; and if it shall appear to them, that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same; and the justices, who in the general quarter sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall seem just: and it is, by the said last-mentioned act, also further enacted, That if any person or persons shall assault or abuse any master wool comber, master weaver, or other person concerned in any of the woollen manufactures, whereby any such master or other person shall receive any bodily hurt, for not complying with, or not conforming, or not submitting to any such illegal by-laws, ordinances, rules, or orders aforesaid; or if any person or persons shall write, or cause to be written, or knowingly send, or cause to be sent, any letter, or other writing or message, threatening any hurt or harm to any such master wool comber, or master weaver, or other person concerned in the woollen manufacture, or threatening to burn, pull down, or destroy any of their houses or out-houses, or to cut down or destroy any of their trees, or to maim or kill any of their cattle, for not complying with any demands, claims, or pretences of any of his or their workmen, or others employed by them in the said manufacture, or for not conforming, or not submitting to any such illegal by-laws, ordinances, rules, or orders as aforesaid, every person so knowingly and willingly offending in the premises, being thereof lawfully convicted, upon any indictment to be found within twelve calendar months next after any such offence committed, shall be adjudged guilty of felony, and shall be transported for ~~set~~ years to some or one of his Majesty's colonies or plantations in America, by such ways and means, and in such manner, and under such pains and penalties, as felons in other cases are by law to be transported: and

whereas

whereas it is neceſſary that the ſaid ſeveral proviſions and regulations in the ſaid laſt in part recited act, ſhould be extended to journeymen dyers, journeymen hot preſſers, and all other perſons employed in the woollen manufactures of this kingdom, and alſo to journeymen, ſervants, workmen, and labourers, employed in the making of felts or hats, and in the manufactures of ſilk, mohair, furr, hemp, flax, linen, cotton, ſuſtian, iron, and leather, or any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or ſilk, or of any of the ſaid materials mixed one with another; be it therefore enacted by the authority aforeſaid, That the ſaid ſeveral be-  
 fore recited clauses in the ſaid act, made in the twelfth year of his ſaid late Maſteſty's reign, and all the proviſions, regulation, pains, penalties, and forfeitures, therein contained, ſhall, from and after the ſaid twenty fourth day of June, one thouſand ſeven hundred and forty nine, extend, and be conſtrued, deemed, and adjudged to extend to journeymen dyers, journeymen hot preſſers, and all other perſons whatſoever, employed in or about any of the woollen manufactures of this kingdom, and alſo to journeymen ſervants, workmen, and labourers, and all other perſons whatſoever employed in the making of felts or hats, or in or about any of the manufactures of ſilk, mohair, furr, hemp, flax, linen, cotton, ſuſtian, iron, or leather, or in or about any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or ſilk, or of any of the ſaid materials mixed one with another, in as full and ample manner as the ſaid proviſions, regulations, pains, penalties, and forfeitures, are by the ſaid laſt-mentioned act declared to extend to the ſeveral and reſpective perſons therein named; and the pains, penalties, and forfeitures, which ſhall be incurred by reaſon of any offence committed againſt the ſaid laſt-mentioned act, by any perſon or perſons employed or concerned in or about any of the ſaid manufactures, herein before enumerated, ſhall be inflicted, levied, and recovered, in the ſame manner as the pains, penalties, and forfeitures, contained in the ſaid laſt in part recited act, are directed to be inflicted, levied, and recovered, upon and againſt the ſeveral and reſpective perſons therein mentioned.

The proviſions in the recited act, to extend to perſons employed in the manufactures enumerated.

Forfeitures to be inflicted as in the ſaid act.

#### C A P. XXVIII.

An act for continuing two acts of parliament, the one paſſed in the thirteenth year of the reign of his late maſteſty King George the Firſt, for amending the ſeveral roads leading from the city of Briſtol; and the other paſſed in the fourth year of the reign of his preſent Maſteſty, to explain and amend the ſame act, and for making the ſaid acts more effectual; and alſo for repairing other roads therein mentioned.

The former acts 13 Geo. 1. c. 12. and 4 Geo. 2. c. 22. continued for 21 years.

#### C A P. XXIX.

An act for making an authentick roll of valuation for the ſhire of Argyll.

WHEREAS there has not been any authentick or authorized valuation of the ſhire of Argyll extant at any time ſince the late happy revolution, in the year of our Lord one thouſand ſix hundred eighty



eighty eight, and for want thereof provided by the sixth act of the parliament of Scotland, holden in the year one thousand six hundred and ninety, intituled, Act for raising a supply offered to their Majesties; That the shire of Argyll should pay their proportion of that supply, and in time coming, according as the said shire did pay before the year one thousand six hundred and eighty four, until there be a new valuation: and whereas such new valuation has never hitherto been made or authorized: now for remedying the inconveniencies arising from the want of an authentick roll of valuation for the shire of Argyll, according to which the established proportion of cess, payable by the said shire, may be levied and collected from the several heretors, proprietors, and occupiers of lands, lying within the same, in the same manner, and with the like ease, certainty and regularity, as is practised in other shires, within that part of Great Britain called Scotland; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That Sir Duncan Campbell of Lochnell, Duncan Campbell of Inveraw, Archibald Lamont of Lamont, John Campbell of Barcalden, Donald Campbell of Airds, Neil Macneil of Ugadill, Archibald Campbell of Knockbuy, Alexander Macmillan of Dunmore, Archibald Campbell of Danna, Archibald Campbell of Melford, Archibald Campbell of Inverliver, Hector Maclean of Torloisk, Neil Campbell of Duntroon, master John Campbell of Otter, captain James Campbell the younger of Ardkinglass, John MacKinnon of Mackinnon, Archibald Campbell of Dunnoon, Colin Campbell of Skipness, Hector Maclean of Coll, Archibald Campbell of Stonefield, Daniel Campbell of Shawfield, Duncan Campbell of Strunderland, John Macdonald of Leiry, and Archibald Campbell of Fura, of whom nine are hereby declared to be a Quorum, shall be, and they are hereby constituted and appointed commissioners for making an authentick roll of valuation for the said shire of Argyll, which they are hereby authorized, empowered, and required to do.

Commissioners  
names.

Nine commis-  
sioners to be a  
Quorum.

Time and  
place of meet-  
ing.

Commission-  
ers may sum-  
mon heretors,  
&c.

Commission-  
ers not to act

II. And be it enacted by the authority aforesaid, That the commissioners aforesaid, or any nine or more of them, shall meet together at Inverary on the twenty first day of June next, and shall then adjourn themselves, and afterwards meet there, or at any other place, as the said commissioners, or any nine or more of them, shall think proper or convenient, as often as it shall be necessary for putting this act, or any of the powers therein contained in execution.

III. And be it likewise enacted by the authority aforesaid, That the commissioners aforesaid, or any nine or more of them, shall have power to summon the heretors, and other persons having interest in the said shire, to appear before them, and to take all manner of probation as they shall see cause, and to do all other acts necessary for carrying this act into execution.

IV. Provided always, and it is hereby further enacted, That none of the commissioners aforesaid, shall act as such, until they shall

shall have qualified themselves, by taking the oaths appointed by law to be taken by persons in offices of publick trust in Scotland, either in the sheriff's court held for the said shire, or any other court of law appointed for that purpose. till they have qualified.

V. And it is hereby further enacted by the authority aforesaid, That as soon as the said commissioners shall have finished and completed the said roll of valuation, three copies thereof shall be signed by nine or more of the said commissioners, one whereof shall be transmitted to the treasurer's remembrancer in his Majesty's court of *Exchequer* in that part of *Great Britain* called *Scotland*, to be kept amongst the records of the said court, and another of the said copies shall be delivered to the sheriff, or sheriff depute of the said shire, to be recorded in the sheriff's books for the said shire, and to be patent in all time coming to all persons having occasion to inspect the same, and another copy of the said roll, so signed as aforesaid, shall be delivered to the clerk of the commissioners of supply for the said shire, for the use of the said commissioners in all time coming. Three copies of the roll to be transmitted to the offices herein mentioned.

VI. And it is hereby enacted by the authority aforesaid, That the said roll, when so signed and delivered as aforesaid, shall be of the same force, efficacy, and validity, to all intents and purposes, for and in respect to the said shire of *Argyll*, and lands and hereditaments lying within the same, as any other authentic roll of valuation is by law for any other shire in that part of *Great Britain* called *Scotland*, and the lands lying within the same. The validity of the roll declared.

VII. Provided alwise, and it is hereby enacted by the authority aforesaid, That the *Quota* or proportion of cels charged upon the said shire, shall continue the same as it has been heretofore before the passing of this act. The quota of the cels to be the same.

VIII. And provided likewise, and it is hereby further enacted, That until the first day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty, and likewise from and after the said first day of *June*, one thousand seven hundred and fifty, until the said roll shall be completed, signed, and delivered in manner above-mentioned, the publick supplies shall be levied and collected within the said shire, in the manner that has been heretofore practised within the same before the passing of this act. The supplies to be raised as heretofore, till the roll be completed.

IX. And be it likewise further enacted, That all arrears of the publick supplies or cels grown due, or hereafter to grow due on or before the said first day of *June*, one thousand seven hundred and fifty, shall be levied and collected within the said shire, in the manner that has been heretofore practised within the same; any thing in this act to the contrary notwithstanding. An ears to be levied as formerly.

X. And it is hereby further enacted, That it shall and may be lawful for any person or persons, heretors or life-renters, within the said shire, who shall apprehend him, her, or themselves to be aggrieved by the valuation that shall be made by the said commissioners, of any lands, or heretages within the said shire, as being too high or too low, or otherwise unequal, to be lawful for any person or persons, heretors or life-renters, within the said shire, who shall apprehend him, her, or themselves to be aggrieved by the valuation that shall be made by the said commissioners, of any lands, or heretages within the said shire, as being too high or too low, or otherwise unequal, to Persons aggrieved may appeal.

apply for redress of such grievance or inequality, by summary petition or complaint to the barons of the court of *Exchequer* in *Scotland*, at any time within twelve months after a copy of the said valuation, as settled by the commissioners, shall be recorded in the sheriff's books for the said shire, to be patent to all persons having interest; and upon such complaint exhibited to the said barons, they are hereby authorized and required to grant warrant for serving the same upon any nine or more of the said commissioners, to answer upon fifteen days after such service; and and then upon hearing the said complaint in a summary manner, with the answers, if any be made by the said commissioners, or other parties having interest, the said barons, or any three of them, are hereby authorized and required to make such order, touching the matter of said complaint, as to them shall appear just, which order shall be final; and in case it shall import any variation of the roll of valuation made by the commissioners, that roll or valuation shall be altered accordingly.

## C A P. XXX.

*An Act for encouraging the people known by the name of Unitas Fratrum or United Brethren, to settle in his Majesty's colonies in America.*

WHEREAS many of the people of the church or congregations called the *Unitas Fratrum* or United Brethren, are settled in his Majesty's colonies in America, and demean themselves there as a sober, quiet, and industrious people; and many others of the same persuasion are desirous to transport themselves to, and make larger settlements in, the said colonies at their own expence, provided they may be indulged with a full liberty of conscience, and in the exercise of the religion they profess; and several of the said brethren do conscientiously scruple the taking of an oath, and likewise do conscientiously scruple bearing arms, or personally serving in any military capacity, although they are willing and ready to contribute whatever sums of money shall be thought a reasonable compensation for such service, and which shall be necessary for the defence and support of his Majesty's person and government: and whereas the said congregations are an ancient protestant episcopal church, which has been countenanced and relieved by the Kings of England, your Majesty's predecessors: and whereas the encouraging the said people to settle in America, will be beneficial to the said colonies; therefore may it please your Majesty, at the humble petition of *Abraham* baron of *Gersdorff*, *Lewis* baron *Schrautenbach* free lord of *Lindheim*, *David Nitschmann* syndic, *Charles Sebachmann* baron of *Heinsdorff*, and *Henry Cossart* agent, deputies from the said *Moravian* churches, in behalf of themselves and their *United Brethren*, that it may be enacted; and be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty nine,

Members of  
*Unitas Fratrum*  
allowed to  
make a solemn  
affirmation in  
lieu of an oath.

every

every person being a member of the said protestant episcopal church, known by the name of *Unitas Fratrum*, or the *United Brethren*, and which church was formerly settled in *Moravia* and *Bohemia*, and are now in *Prussia*, *Poland*, *Silesia*, *Lusatia*, *Germany*, the *United Provinces*, and also in his Majesty's dominions, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or shall be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following :

**I** A. B. do declare in the presence of Almighty God, the witness of the truth of what I say. Form of affirmation.

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places where by law an oath is or shall be required within the kingdoms of *Great Britain* and *Ireland*, and also in all and every of his Majesty's colonies and dominions in *America*, as if such person had taken an oath in the usual form.

II. And be it further enacted by the authority aforesaid, That any person making such solemn affirmation or declaration, who shall be lawfully convicted, wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which, if the same had been deposed on oath in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury. Penalty of false affirming.

III. Provided, and be it enacted, That no person being of the said church or congregation called the *Moravian* or *United Brethren*, shall by virtue of this act be qualified to give evidence in any criminal causes, or to serve on juries ; any thing contained in this act to the contrary notwithstanding. Not to extend to criminal cases, &c.

IV. And be it further enacted, That every person who is a member of the said church or congregation, who shall reside in any of his Majesty's colonies in *America*, who shall at any time after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, be summoned to bear arms, or do military service, in any of his Majesty's said colonies or provinces of *America*, shall, on his application to the governor or commander in chief of the said colony or province, or to such officer or person, by whom such person shall have been summoned or required to serve, or be mustered, be discharged from such personal service ; provided that such person, so desiring to be discharged from such personal service, contribute and pay such sum of money as shall be rated and assessed on him in lieu of such personal service, so as such sum shall be rated, assessed, and levied, and be in such proportion, as is usually rated, assessed, levied, and paid, by other persons residing in the same colony or province, who are by reason of age, sex, or other infirmity unable Moravians summoned to do any military service to be discharged, upon payment of the rate assessed ;

able to do personal service, and who are possessed of estates of the same nature as the persons desiring such discharge.

and producing  
a certificate  
from some bi-  
shop of the  
said church,  
&c.

V. And to prevent any doubt which may arise, whether any person, pretending or claiming to be a member of such church or congregation, is actually a member thereof, be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall, as a member or members of such church or congregation, claim the benefit of this act, or of any matter or thing herein contained, shall, at the time when he or they make such claim, produce a certificate signed by some bishop of the said church, or by the pastor of such church or congregation who shall be nearest to the place where such claim is made; and shall be examined concerning the matters contained in the said certificate, and the due execution thereof; and such person so affirming to the best of his knowledge and belief in manner herein before mentioned, or proving by the testimony of other legal witnesses, that the said certificate was duly executed by such bishop or pastor, and also affirming, that he is actually a member of the said church, known by the name of *Unitas Fratrum*, or *United Brethren*, shall be adjudged, deemed, and taken to be actually a member of the said church or congregation, and as such shall be intitled to the benefit of this act.

Penalty of  
false affirming.

VI. And be it further enacted, That any person who shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed or declared in manner aforesaid, That such certificate was duly executed, or that he is a member of such church, when in fact such affirmation is untrue, such person so falsely affirming, and being duly convicted thereof, shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

The advocate  
to lay before  
the commis-  
sioners for  
trade lists of  
the bishops  
appointed to  
grant certi-  
ficates, &c.

VII. And that it may be known whether such bishops and pastors, so signing such certificates be of the church known by the name of *Unitas Fratrum*, or *United Brethren*, within the meaning of this act, be it further enacted, That the advocate of the said church or congregation of the *United Brethren* for the time being, shall lay, or cause to be laid before *The commissioners for trade and plantations*, in order that the same may remain in their office, a list or lists of all the bishops of the said church of the *United Brethren*, who are appointed by them to grant certificates as aforesaid, together with their hand-writing, and usual seal; and that, from time to time, the said advocate shall send to the said commissioners for trade and plantations, the names, hand-writing, and seals of any bishops, that shall be hereafter consecrated and appointed by them as aforesaid, and the names of such pastors as shall be authorized by the said advocate or bishops to give certificates in any of his Majesty's colonies in *America*.

Publick act.

VIII. And be it enacted and declared by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such by  
a

all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXXI.

An act for opening and making a new road from the east end of New Street in the parish of Saint John Southwark, to and through the several places therein mentioned; and for keeping the said road in repair for the future.

*Certain tolls granted for 21 years.*

C A P. XXXII.

An act for enlarging the term and powers granted by an act passed in the eighteenth year of the reign of his present Majesty, for repairing the high road leading from Borough Bridge in the county of York, through Northallerton in the same county, to Croft Bridge on the river Tees; and from thence through Darlington in the county of Durham, to the city of Durham; and for making the same more effectual.

*The act 18 Geo. 2. c. 8. continued for 21 years.*

C A P. XXXIII.

An act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea.

WHEREAS the several laws relating to the sea service, made at different times, and on different occasions, have been found by experience not to be so full, so clear, so expedient, or consistent with each other, as they ought to be; for amending and explaining the said laws, and for reducing them into one uniform act of parliament; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of December, one thousand seven hundred and forty nine, an act passed in the thirteenth year of the reign of King Charles the Second, intituled, *An act for establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea*; and also so much of an act passed in the second year of the reign of King William and Queen Mary, intituled, *An act concerning the commissioners of the admiralty*; as directs the form of an oath to be taken by every officer present, upon all trials of offenders by courts-martial, to be held by virtue of any commission to be granted by the lord high admiral, or the commissioners for executing the office of lord high admiral; and also so much of an act passed in the sixth year of the reign of King George the First, intituled, *An act for making perpetual so much of an act made in the tenth year of the reign of Queen Anne, for the reviving and continuing several acts of parliament therein mentioned, as relates to the building and repairing county gaols*; and also an act of the eleventh and twelfth years of the reign of King William the Third, for the more effectual suppression of piracy; and for making more effectual the act of the thirteenth year of the reign of King Charles the Second, intituled, *An act for establishing articles and orders for the regulating and better government*

13 Car. 2. c. 1.  
c. 9.

2 W. & M.  
c. 2. s. 4.

6 Geo. 1. c. 19.

vernment of his Majesty's navies, ships of war, and forces by sea; as relates to the trial and punishment of persons who shall commit any of the crimes or offences mentioned in the said articles upon the shore, in any foreign part or parts; and also so much of an act passed in the eighth year of the reign of King George the First, intituled, *An act for the more effectual suppressing of piracy*; as directs the punishment to be inflicted by a court-martial upon any captain, commander, or other officer of any his Majesty's ships or vessels of war, who shall receive on board, or permit to be received on board, any goods or merchandizes whatsoever, in order to trade or merchandize with the same (except the goods and merchandizes therein excepted) and also an act passed in the eighteenth year of the reign of his present Majesty, intituled, *An act for the regulating and better government of his Majesty's navies, ships of war, and forces by sea; and for regulating the proceedings upon courts-martial in the sea service*; and also an act passed in the twenty first year of the reign of his present Majesty, intituled, *An act for further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the ship to the crews of his Majesty's ships wrecked, lost, or taken; and for continuing to them their wages upon certain conditions*, shall be, and the same are hereby repealed to all intents and purposes whatsoever.

II. And for the regulating and better government of his Majesty's navies, ships of war, and forces by sea, whereon, under the good providence of God, the wealth, safety, and strength of this kingdom chiefly depend; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, the articles and orders herein after following, as well in time of peace as in time of war, shall be duly observed and put in execution, in manner herein after mentioned.

Commence-  
ment of the  
articles.

Publick wor-  
ship to be per-  
formed.

1. *All commanders, captains, and officers, in or belonging to any of his Majesty's ships or vessels of war, shall cause the publick worship of Almighty God, according to the liturgy of the church of England established by law, to be solemnly, orderly, and reverently performed in their respective ships; and shall take care that prayers and preaching, by the chaplains in holy orders of the respective ships, be performed diligently; and that the Lord's day be observed according to law.*

Penalty of pre-  
tane swearing,  
&c.

2. *All flag officers, and all persons in or belonging to his Majesty's ships or vessels of war, being guilty of profane oaths, cursings, execrations, drunkenness, uncleanness, or other scandalous actions, in derogation of God's honour, and corruption of good manners, shall incur such punishment as a court-martial shall think fit to impose, and as the nature and degree of their offence shall deserve.*

3. If any officer, mariner, soldier, or other person of the fleet, shall give, bold, or entertain intelligence to or with any enemy or rebel, without leave from the King's majesty, or the lord high admiral, or the commissioners for executing the office of lord high admiral, commander in chief, or his commanding officer, every such person so offending, and being thereof convicted by the sentence of a court-martial, shall be punished with death. Penalty of holding illegal correspondence with an enemy;

4. If any letter or message from any enemy or rebel, be conveyed to any officer, mariner, or soldier, or other in the fleet, and the said officer, mariner, soldier, or other as aforesaid, shall not, within twelve hours, having opportunity so to do, acquaint his superior officer, or the officer commanding in chief, with it; or if any superior officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief of the squadron, every such person so offending, and being convicted thereof by the sentence of the court-martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court-martial shall impose. of not acquainting the superior officer with any message from an enemy;

5. All spies, and all persons whatsoever, who shall come, or be found, in the nature of spies, to bring or deliver any seducing letters or messages from any enemy or rebel, or endeavour to corrupt any captain, officer, mariner, or other in the fleet, to betray his trust, being convicted of any such offence by the sentence of the court-martial, shall be punished with death, or such other punishment, as the nature and degree of the offence shall deserve, and the court-martial shall impose. of spies, and of delivering seducing letters, &c.

6. No person in the fleet shall relieve an enemy or rebel with money, victuals, powder, shot, arms, ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as the court-martial shall think fit to impose, and as the nature and degree of the crime shall deserve. of relieving an enemy;

7. All the papers, charter parties, bills of lading, passports, and other writings whatsoever, that shall be taken, seized, or found aboard any ship or ships which shall be surprized or taken as prize, shall be duly preserved, and the very originals shall by the commanding officer of the ship which shall take such prize, be sent intirely, and without fraud, to the court of admiralty, or such other court of commissioners, as shall be authorized to determine whether such prize be lawful capture, where to be viewed, made use of, and proceeded upon according to law, upon pain that every person offending herein, shall forfeit and lose his share of the capture, and shall suffer such further punishment, as the nature and degree of his offence shall be found to deserve, and the court-martial shall impose. of not sending all papers found aboard prize ships;

8. No person in or belonging to the fleet shall take out of any prize, or ship seized for prize, any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of his Majesty's ships or vessels of war, before the same be adjudged lawful prize in some admiralty court; but the full and entire account of the whole, without imbezziement, shall be brought in, and judgement passed intirely upon the whole without fraud, upon pain that every person offending herein shall forfeit and lose his share of the capture, and suffer such further punishment as shall be imposed by a court-martial, or such court of admiralty, according to the nature and degree of the offence. of taking effects out of any prize before condemned;



of stripping,  
or ill using  
persons taken  
on board a  
prize:

9. If any ship or vessel shall be taken as prize, none of the officers, mariners, or other persons on board her, shall be stripped of their cloaths, or in any sort pillaged, beaten, or evil-treated, upon pain that the person or persons so offending, shall be liable to such punishment as a court-martial shall think fit to inflict.

of not prepar-  
ing for fight,  
and encourag-  
ing the men  
in time of  
action

10. Every flag officer, captain, and commander in the fleet, who, upon signal or order of fight, or sight of any ship or ships which it may be his duty to engage, or who, upon likelihood of engagement, shall not make the necessary preparations for fight, and shall not in his own person, and according to his place, encourage the inferior officers and men to fight courageously, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem him to deserve; and if any person in the fleet shall treacherously or cowardly yield or fly for quarter, every person so offending, and being convicted thereof by the sentence of a court-martial, shall suffer death.

of disobeying  
orders in time  
of action, &c.

11. Every person in the fleet, who shall not duly observe the orders of the admiral, flag officer, or commander of any squadron or division, or other his superior officer, for sailing, joining battle with, or making defence against any fleet, squadron, or ship, or shall not obey the orders of his superior officer as aforesaid in time of action, to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending, and being convicted thereof by the sentence of the court-martial, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem him to deserve.

of cowardice  
or neglect of  
duty in time  
of action;

12. Every person in the fleet, who through cowardice, negligence, or disaffection, shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every ship which it shall be his duty to engage, and to assist and relieve all and every of his Majesty's ships, or those of his allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a court martial, shall suffer death.

of not pursu-  
ing the enemy,  
and of not as-  
sisting a  
friend;

13. Every person in the fleet, who through cowardice, negligence, or disaffection, shall forbear to pursue the chase of any enemy, pirate, or rebel, beaten or flying; or shall not relieve or assist a known friend in view to the utmost of his power; being convicted of any such offence by the sentence of a court martial, shall suffer death.

of delaying or  
discouraging  
the service, on  
account of  
wages, &c.

14. If when action, or any service shall be commanded, any person in the fleet shall presume to delay or discourage the said action or service, upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the sentence of the court-martial, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem him to deserve.

of deserting,  
or running  
away with  
ship or stores;

15. Every person in or belonging to the fleet, who shall desert to the enemy, pirate, or rebel, or run away with any of his Majesty's ships or vessels of war, or any ordnance, ammunition stores, or provision belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously

treacherously to the enemy, pirate, or rebel, being convicted of any such offence by the sentence of the court-martial, shall suffer death.

16. Every person in or belonging to the fleet, who shall desert or intice of deserting, others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve, and a court-martial shall judge fit: others; and if any commanding officer of any of his Majesty's ships or vessels of war shall receive or entertain a deserter from any other of his Majesty's ships or vessels, after discovering him to be such deserter, and shall not with all convenient speed give notice to the captain of the ship or vessel to which such deserter belongs; or if the said ships or vessels are at any considerable distance from each other, to the secretary of the admiralty, or to the commander in chief; every person so offending, and being convicted thereof by the sentence of the court-martial, shall be cashiered.

17. The officers and seamen of all ships appointed for convoy and guard of merchant ships, or of any other ships, shall diligently attend upon that charge, care of ships without delay, according to their instructions, in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform their duty, and defend the ships and goods in their convoy, without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly, and permitting the ships in their convoy to peril and hazard; or shall demand or exact any money or other reward from any merchant or master for convoying of any ships or vessels intrusted to their care, or shall misuse the masters or mariners thereof; shall be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty shall adjudge, and also be punished criminally according to the quality of their offences, be it by pains of death, or other punishment, according as shall be adjudged fit by the court martial.

18. If any captain, commander, or other officer of any of his Majesty's ships or vessels, shall receive on board, or permit to be received on board such ship or vessel, any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel, except gold, silver, or jewels, and except the goods and merchandizes belonging to any merchant, or other ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall at any time be ordered to take or receive on board by order of the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral for the time being; every person so offending, being convicted thereof by the sentence of the court-martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of his Majesty, his heirs and successors.

19. If any person in or belonging to the fleet shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, every person offending herein, and being convicted thereof by the sentence of the court-martial, shall suffer death: and if any person in or belonging to the fleet shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a court-martial shall deem him to deserve: and if any officer, mariner, or soldier in or belonging to the fleet, shall behave himself

himself with contempt to his superior officer, such superior officer, being in the execution of his office, he shall be punished according to the nature of his offence by the judgment of a court-martial.

of concealing  
mutinous  
practices,

or words ;

20. If any person in the fleet shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a court-martial, he shall suffer death, or such other punishment, as a court-martial shall think fit ; and if any person, in or belonging to the fleet, shall conceal any traitorous or mutinous words spoken by any, to the prejudice of his Majesty or government, or any words, practice, or design, tending to the hindrance of the service, and shall not forthwith reveal the same to the commanding officer, or being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, he shall be punished as a court-martial shall think he deserves.

of endeavour-  
ing to stir up  
disturbance,  
on account of  
unwholesome-  
ness of victual,  
&c.

21. If any person in the fleet shall find cause of complaint of the unwholesomeness of the victual, or any other ground, he shall quietly make the same known to his superior, or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require ; and the said superior, captain, or commander in chief, shall, as far as he is able, cause the same to be presently remedied ; and no person in the fleet, upon any such or other pretence, shall attempt to stir up any disturbance, upon pain of such punishment, as a court-martial shall think fit to inflict, according to the degree of the offence.

of striking,  
&c. a superior  
officer,

or disobeying  
his lawful  
commands ;

22. If any officer, mariner, soldier, or other person in the fleet, shall strike any of his superior officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever, every such person being convicted of any such offence, by the sentence of a court-martial, shall suffer death ; and if any officer, mariner, soldier, or other person in the fleet, shall presume to quarrel with any of his superior officers, being in the execution of his office, or shall disobey any lawful command of any of his superior officers ; every such person being convicted of any such offence, by the sentence of a court-martial, shall suffer death, or such other punishment, as shall, according to the nature and degree of his offence, be inflicted upon him by the sentence of a court-martial.

of quarrelling  
&c. or using  
reproachful  
speech ;

23. If any person in the fleet shall quarrel or fight with any other person in the fleet, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall, upon being convicted thereof, suffer such punishment as the offence shall deserve, and a court-martial shall impose.

of wasting  
stores, &c.

24. There shall be no wasteful expence of any powder, shot, ammunition, or other stores in the fleet, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment to be inflicted upon the offenders, abettors, buyers, and receivers (being persons subject to naval discipline) as shall be by a court-martial found just in that behalf.

of burning  
any magazine  
or vessel, &c.

25. Every person in the fleet, who shall unlawfully burn or set fire to any magazine or store of powder, or ship, boat, ketch, boy, or vessel, or tackle or furniture to be used belonging, not then appertaining to an enemy, pirate,

or rebel, being convicted of any such offence, by the sentence of a court-martial, shall suffer death. not belong to an enemy;

26. Care shall be taken of any of his Majesty's ships, that through wilfulness, negligence, or other defaults, no ship be stranded, or run upon any rocks or sands, or split or hazarded, upon pain, that such as shall be found guilty therein, be punished by death, or such other punishment, as the offence by a court-martial shall be judged to deserve. of neglect in conducting and steering;

27. No person in or belonging to the fleet shall sleep upon his watch, or of sleeping on negligently perform the duty imposed on him, or forsake his station, upon pain of death, or such other punishment as a court-martial shall think fit to impose, and as the circumstances of the case shall require.

28. All murders committed by any person in the fleet, shall be punished of murder, with death by the sentence of a court-martial.

29. If any person in the fleet shall commit unnatural and detestable buggery, sin of buggery or sodomy with man or beast, he shall be punished with death by the sentence of a court-martial.

30. All robbery committed by any person in the fleet, shall be punished with robbery, death, or otherwise, as a court-martial, upon consideration of circumstances, shall find meet.

31. Every officer or other person in the fleet, who shall knowingly make false musters, or sign a false muster or muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a court-martial, be cashiered, and rendered incapable of further employment in his Majesty's naval service.

32. No provost-martial belonging to the fleet shall refuse to apprehend any criminal, whom he shall be authorized by legal warrant to apprehend, or to receive or keep any prisoner committed to his charge, or wilfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a court-martial shall deem him to deserve; and all captains, officers, and others in the fleet, shall do their endeavour to detect, apprehend, and bring to punishment all offenders, and shall assist the officers appointed for that purpose therein, upon pain of being proceeded against, and punished by a court-martial, according to the nature and degree of the offence. not apprehending prisoners and permitting escapes;

33. If any flag officer, captain, or commander, or lieutenant belonging to the fleet, shall be convicted before a court-martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an officer, he shall be dismissed from his Majesty's service. scandalous, oppressive, or fraudulent behaviour of officers;

34. Every person being in actual service and full pay, and part of the crew in or belonging to any of his Majesty's ships or vessels of war, who shall be guilty of mutiny, desertion, or disobedience to any lawful command, in any part of his Majesty's dominions on shore, when in actual service relative to the fleet, shall be liable to be tried by a court-martial, and suffer mutiny, desertion, or disobedience on shore;

*suffer the like punishment for every such offence, as if the same had been committed at sea on board any of his Majesty's ships or vessels of war.*

committing on shore any of the crimes punishable by these articles.

35. *If any person who shall be in the actual service and full pay of his Majesty's ships and vessels of war, shall commit upon the shore, in any place or places out of his Majesty's dominions, any of the crimes punishable by these articles and orders, the person so offending shall be liable to be tried and punished for the same, in like manner, to all intents and purposes, as if the said crimes had been committed at sea, on board any of his Majesty's ships or vessels of war.*

Other crimes not capital, &c. to be punished according to the custom of the navy. No imprisonment to be longer than two years. Court martial not to try any offences,

36. *All other crimes not capital committed by any person or persons in the fleet, which are not mentioned in this act, or for which no punishment is hereby directed to be inflicted, shall be punished according to the laws and customs in such cases used at sea.*

III. Provided always, That no person convicted of any offence shall, by the sentence of any court-martial to be held by virtue of this act, be adjudged to be imprisoned for a longer term than the space of two years.

except those specified in the 5, 34, 35. articles, which shall not be committed within the jurisdiction of the admiralty.

IV. Provided also, That nothing in this act contained shall extend, or be construed to extend, to empower any court-martial to be constituted by virtue of this act, to proceed to the punishment or trial of any of the offences specified in the several articles contained in this act, or of any offence whatsoever (other than the offences specified in the fifth, thirty fourth, and thirty fifth of the foregoing articles and orders) which shall not be committed upon the main sea, or in great rivers only, beneath the bridges of the said rivers nigh to the sea, or in any haven, river, or creek within the jurisdiction of the admiralty, and which shall not be committed by such persons as at the time of the offence committed shall be in actual service and full pay in the fleet or ships of war of his Majesty, his heirs or successors, such persons only excepted, and for such offences only, as are described in the fifth of the foregoing articles and orders.

No soldier on board any transport to be tried by a naval court-martial.

V. Provided also, That nothing in this act contained shall extend, or be construed to extend, to empower any court-martial to be constituted by virtue of this act, to proceed to the punishment or trial of any land officer or soldier on board any transport ship, for any of the offences specified in the several articles contained in this act.

The admiralty empowered to grant commissions for holding courts-martial.

VI. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, the lord high admiral of *Great Britain* or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, shall have full power and authority to grant commissions to any officer commanding in chief any fleet or squadron of ships of war, to call and assemble courts-martial, consisting of commanders and captains; and that in case any officer commanding in chief any fleet or squadron of ships of war, (who shall be authorized by the lord high admiral.

commander in chief, dying, &c. the next

ral, or the commissioners for executing the office of lord high in command  
admiral for the time being, to call and assemble courts-martial to hold  
in foreign parts) shall happen to die, or be recalled, or removed courts-mar-  
tial.  
from his command, then the officer upon whom the com-  
mand of the said fleet or squadron shall devolve, and so, from  
time to time, the officer who shall have the command of the  
fleet or squadron shall have the same power to call and assemble  
courts-martial, as the first commander in chief of the said fleet  
or squadron was invested with.

VII. Provided always, and it is hereby enacted and declared, Officer next in  
That no commander in chief of any fleet or squadron of his command  
Majesty's ships; or detachment thereof, consisting of more than where there  
five ships; shall preside at any court-martial in foreign parts, but are 5 ships, to  
that the officer next in command to such officer commanding preside at  
in chief, shall hold such court-martial, and preside thereat; any courts-mar-  
law, custom, or usage to the contrary notwithstanding. tial in foreign  
parts.

VIII. And it is hereby further enacted, That from and after Commanders  
the twenty fifth day of *December*, one thousand seven hundred in chief to  
and forty nine, in case any commander in chief in any fleet or empower the  
squadron of his Majesty's ships or vessels of war in foreign parts, commanders  
shall detach any part of such fleet or squadron, every commander of a squadron  
in chief shall, and he is hereby authorized and required, by on separate  
writing under his hand, to empower the chief commander of the service to  
squadron or detachment so ordered on such separate service (and hold courts-  
in case of his death or removal, the officer to whom the com- martial.  
mand of such separate squadron or detachment shall belong) to  
hold courts-martial, during the time of such separate service, or  
until the commander of the said detachment for the time being  
shall return to his commander in chief, or shall come under the  
command of any other his superior officer, or return to *Great  
Britain or Ireland*.

IX. Provided always, and it is hereby further enacted, That If five or more  
if any five or more of his Majesty's ships or vessels of war, shall ships meet in  
happen to meet together in foreign parts, then and in such case, foreign parts  
it shall be lawful for the senior officer of the said ships or vessels the senior of-  
to hold courts martial, and preside thereat, from time to time, ficer to hold  
as there shall be occasion, during so long time as the said ships courts-martial  
or vessels of war, or any five or more of them, shall continue  
together.

X. Provided nevertheless, and be it also enacted, That where Where the  
any material objection occurs, which may render it improper third officer  
for the person who is next in command to the senior officer in command  
or commander in chief of any fleet or squadron of his Majesty's to preside.  
ships of war in foreign parts to hold courts-martial, or preside  
thereat, in such case it shall be lawful for the lord high admiral,  
or commissioners for executing the office of lord high admiral  
for the time being, as also the commander in chief of any such  
fleet or squadron of his Majesty's ships in foreign parts, respec-  
tively to appoint the third officer in command to preside at, or  
hold such court-martial.

XI. And it is hereby further enacted, That from and after  
the

The admiral-  
ty impowered  
to appoint of-  
ficers in the  
ports of Great  
Britain, &c.  
to hold courts-  
martial.

the twenty fifth day of *December*, one thousand seven hundred and forty nine, it shall be lawful for the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral for the time being, and they are hereby respectively authorized, from time to time, as there shall be occasion, to direct any flag officer, or captain of any of his Majesty's ships of war, who shall be in any port of *Great Britain* or *Ireland*, to hold courts-martial in any such port, provided such flag officer or captain be the first, second, or third in command of such port, as shall be found most expedient, and for the good of his Majesty's service; and such flag officer or captain, so directed to hold courts-martial, shall preside at such court-martial; any thing herein contained to the contrary notwithstanding.

Court-martial  
not to consist  
of more than  
23, nor less  
than 5 officers.

XII. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, no court-martial shall be held or appointed by virtue of this present act, shall consist of more than thirteen, or of less than five persons, to be composed of such flag officers, captains, or commanders then and there present, as are next in seniority to the officer who presides at the court-martial.

The officer  
not to direct  
the particular  
number.

XIII. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the lord high admiral, or the commissioners for executing the office of lord high admiral, or any officer impowered to order or hold courts-martial, to direct or ascertain the particular number of persons of which any court-martial, to be held or appointed by virtue of this present act, shall consist.

Where there  
are 3 post  
captains, the  
president to  
call in com-  
manders un-  
der that rank.

XIV. Provided always, and it is hereby enacted and declared, That in case any court-martial shall, by virtue of this act, be appointed to be held at any place where there are not less than three, nor yet so many as five officers of the degree and denomination of a post captain, or of a superior rank to be found, then it shall be lawful for the officer, at the place appointed for holding such court-martial, who is to preside at the same, to call to his assistance as many of the commanders of his Majesty's vessels, under the rank and degree of a post captain, as, together with the post captains then and there present, will make up the number of five, to hold such court-martial.

Penalty if a  
member of the  
court go on  
shore, after  
trial is begun.

XV. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, no member of any court-martial, after the trial is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being cashiered from his Majesty's service; nor shall the proceedings of the said court be delayed by the absence of any of its members, provided a sufficient number doth remain to compose the said court, which shall and is hereby required to sit from day to day (*Sunday* always excepted) until the sentence be given.

Proceedings  
not to be de-  
layed.

XVI. And

XVI. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, upon all trials of offenders by any court-martial; all the officers present who are to constitute the said court-martial, shall, before they proceed to such trial, take such oath as is herein after-mentioned, upon the holy evangelists, before the court; which oath the judge advocate, or his deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)

Officers com-  
posing a  
court-martial  
to be sworn.

**I** A. B. do swear, That I will duly administer justice, according to the articles and orders established by an act passed in the twenty second year of the reign of his majesty King George the Second, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea, without partiality, favour, or affection; and if any case shall arise, which is not particularly mentioned in the said articles and orders, I will duly administer justice according to my conscience, the best of my understanding, and the custom of the navy in the like cases; and I do further swear, That I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.

The oath.

So help me God.

And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

Judge advocate to be sworn.

**I** A. B. do swear, That I will not upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.

So help me God.

XVII. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, in case any person in the fleet, being called upon to give evidence at any court-martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court-martial to punish every such offender by imprisonment, at the discretion of the court, such imprisonment not to continue longer than three months, in case of such refusal or prevarication, nor longer than one month in the case of such contempt; and that all and every person and persons who shall commit any wilful perjury, in any evidence or examination upon oath at any such court-martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and

Penalty of refusing to give evidence, or prevaricating, and of contempt to the court;

of perjury, or subornation.



and may be prosecuted in his Majesty's court of *King's Bench*, by indictment or information; and every issue joined in any such indictment or information shall be tried by good and lawful men of the county of *Middlesex*, or such other county as the said court of *King's Bench* shall direct; and all and every person and persons, being lawfully convicted upon any such indictment or information shall be punished with such pains and penalties, as are inflicted for the like offences respectively by two acts of parliament, the one made in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act for punishment of such persons as shall procure or commit any wilful perjury*; and the other made in the second year of the reign of his present Majesty, intituled, *An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money.*

5 Eliz. c. 9.

1 Geo. 2. c. 25.

The offence only to be set forth in information, &c.

XVIII. And be it further enacted by the authority aforesaid, That in every information or indictment to be prosecuted by virtue of this act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the commission or authority for holding the court-martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such court.

Report to be made to the admiralty, &c. before sentence of death, except in cases of mutiny.

XIX. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, no sentence of death given by any court-martial held within the narrow seas (except in cases of mutiny) shall be put in execution till after the report of the proceedings of the said court shall have been made to the lord high admiral, or the commissioners for executing the office of lord high admiral, and his or their directions shall have been given therein; and if the said court shall have been held beyond the narrow seas, then such sentence of death shall not be carried into execution but by order of the commander of the fleet or squadron wherein sentence was passed; and in cases where sentence of death shall be passed in any squadron, detached from any other fleet or squadron upon a separate service, then such sentence of death (except in cases of mutiny) shall not be put in execution, but by order of the commander of the fleet or squadron from which such detachment shall have been made, or of the lord high admiral, or commissioners for executing the office of lord high admiral; and in cases where sentence of death shall be passed in any court-martial held by the senior officer of five or more of his Majesty's ships, which shall happen to meet together in foreign parts pursuant to the power herein before given, then such sentence of death (except in cases of mutiny) shall not be carried into execution but by order of the lord high admiral, or commissioners for executing the office of lord high admiral.

XX. And be it further enacted and declared, That from and after the twenty fifth day of *December*, one thousand seven hun-

hundred and forty nine, the judge advocate of any fleet for the time being, or his deputy, shall have full power and authority, and is hereby required to administer an oath to any witnesses at any trial by court-martial; and in the absence of the judge advocate and his deputy, the court-martial shall have full power and authority to appoint any person to execute the office of judge advocate.

Judge advocate to administer oath to witnesses.

XXI. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, all the powers given by the several articles and orders established by this act, shall remain and be in full force with respect to the crews of such of his Majesty's ships as shall be wrecked, or be otherwise lost or destroyed; and all the command, power, and authority given to the officers of the said ship or ships, shall remain and be in full force as effectually as if such ship or ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from his Majesty's further service, or removed into some other of his Majesty's ships of war, or until a court-martial shall be held, pursuant to the custom of the navy in such cases, to enquire into the causes of the loss of the said ship or ships: and if upon such enquiry it shall appear by the sentence of the court-martial that all, or any of the officers or seamen of the said ship or ships did their utmost to preserve, get off, or recover the said ship or ships, and since the loss thereof have behaved themselves obediently to their superior officers, according to the discipline of the navy and the said articles and orders herein before established, then all the pay and wages of the said officers and seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; or if they shall be then alive, to the time of the holding of such court-martial, or removal into some other of his Majesty's ships of war, and every such officer and seaman of any of his Majesty's ships of war, who after the wreck or loss of his ship, shall act contrary to the discipline of the navy, and the several articles and orders herein before established, or any of them, shall be sentenced by the said court-martial, and punished as if the ship to which he did belong was not so wrecked, lost, or destroyed.

Articles to be in force with respect to crews of ships lost or destroyed.

The pay of such ships reserved.

XXII. And be it further enacted, That from and after the said twenty fifth day of *December*, one thousand seven hundred and forty nine, all the pay and wages of such officers and seamen of any of his Majesty's ships as are taken by the enemy, and upon enquiry at a court-martial shall appear by the sentence of the said court to have done their utmost to defend the said ship or ships, and since the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein before established, shall continue and go on, and be paid, from the time of their being so taken, to the time of the holding of such court-martial, or until they shall be regularly discharged from his Majesty's service, or removed into some other of his

The pay of the officers and men taken by the enemy, who have behaved well, reserved.

Majesty's ships of war, or (if they shall die in captivity, or not live to the time of the holding of such court-martial) to the time of their death, in such manner, and not otherwise, as if the said ship or ships to which they did belong respectively, was not, or were not so taken.

No person not flying from justice, to be tried, unless complaint in writing be made to the admiralty, &c.

or a court be ordered within three years, or within one year after the return of the ship or offender.

XXIII. Provided always, and be it further enacted, That no person or persons not flying from justice, shall be tried or punished by any court-martial for any offence to be committed against this act, unless the complaint of such offence be made in writing to the lord high admiral, or to the commissioners for executing the office of lord high admiral for the time being, or any commander in chief of his Majesty's squadrons or ships empowered to hold courts-martial, or unless a court-martial to try such offender shall be ordered by the said lord high admiral, or the said commissioners, or the said commander in chief, either within three years after such offence shall be committed, or within one year after the return of the ship, or of the squadron, to which such offender shall belong, into any of the ports of *Great Britain* or *Ireland*; or within one year after the return of such offender into *Great Britain* or *Ireland*.

XXIV. And whereas by the said act, intituled, An act for the more effectual suppressing of piracy; it is amongst other things enacted in the following words, That the said captain, commander, or other officer of the said ship or vessel of war, and all and every the owners and proprietors of such goods and merchandizes, put on board such ship or vessel of war as aforesaid, shall lose, forfeit, and pay the value of all and every such goods and merchandizes so put on board as aforesaid; one moiety of such full value to such person or persons as shall make the first discovery, and give information of or concerning the said offence; the other moiety of such full value, to and for the use of Greenwich Hospital; all which forfeitures shall and may be sued for and recovered in the high court of admiralty: now for making the said in part recited act more useful and effectual, be it enacted by the authority aforesaid, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, if any captain, commander, or other officer of any of his Majesty's ships or vessels, shall receive on board, or permit, or suffer to be received on board such ship or vessel, any goods or merchandizes, contrary to the true intent and meaning of the eighteenth article in this act before-mentioned and hereby enacted, every such captain, commander, or other officer shall, for every such offence, over and above any punishment inflicted by this act, forfeit and pay the value of all and every such goods and merchandizes so received or permitted, or suffered to be received on board as aforesaid, or the sum of five hundred pounds of lawful money of *Great Britain*, at the election of the informer, or person who shall sue for the same, so that no more than one of these penalties or forfeitures shall be sued for and recovered by virtue of this and the said in part recited act, or either of them, against the same person, for one and the same offence; one moiety of which penalties or forfei-

Penalty on officers receiving on board goods.

tures.

tures shall be forfeited and paid to the person who shall inform or sue for the same, and the other moiety thereof, to and for the use of the royal hospital at *Greenwich*; which forfeiture shall be sued for, and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in the high court of admiralty, at the election of the informer, or person who shall sue for the same; and the court shall award such costs to the parties, as shall be just; and in all cases where judgement or sentence shall be given against any such offender, the court where such judgement or sentence shall be given, shall, with all convenient speed, certify the same to the lord high admiral, or to the commissioners for executing the said office.

Application of the forfeiture.

Method of recovery.

The court to certify to the admiralty the judgement.

XXV. Provided always, That nothing in this act contained, shall extend, or be construed to extend to take away from the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain*, or any vice admiral, or any judge or judges of the admiralty, or his or their deputy or deputies, or any other officers or ministers of the admiralty, or any others having or claiming any admiral power jurisdiction, or authority within this realm, or any other the King's dominions, or from any person or court whatsoever, any power, right, jurisdiction, pre-eminence, or authority, which he or they, or any of them, lawfully hath, have, or had, or ought to have and enjoy, before the making of this act, so as the same person shall not be punished twice for the same offence.

Limitation of the powers of this act.

XXVI. Provided nevertheless, and be it enacted, That the repeal of the said before recited statutes, or any part thereof, or any thing herein contained, shall not extend, or be deemed to extend to discharge or avoid, or prevent any prosecution or suit commenced, or at any time hereafter to be commenced against any person or persons, for any offence committed on or before the said twenty fifth day of *December*, one thousand seven hundred and forty nine, or to be committed against the said statutes, or any part or parts thereof, but that all persons who have been or shall, before the said twenty fifth day of *December*, be guilty of any such offence, shall and may be prosecuted, sued, condemned, and punished for the same, as well after as before the said twenty fifth day of *December*, as if the said statutes had not been repealed.

Repeal of the recited statutes not to avoid prosecutions for offences committed on or before 25 Dec. 1749.

#### CAP. XXXIV.

An act for enlarging the term and powers granted by an act made in the third year of the reign of his present Majesty, intituled, *An act for making a new road, and for repairing and amending the ancient road between the towns of Wisbech and March, in the isle of Ely and county of Cambridge.*

*The act 3 Geo 2. c. 24. continued for 21 years.*

#### CAP. XXXV.

An act for repairing and widening the road leading from the town of Kingston upon Thames, in the county of Surry, to a place called Sheet-bridge,

bridge, near Petersfield, in the county of Southampton; and alſo the road from Hindhead Heath, through Fernhurſt Lane and Midhurſt, to the city of Chicheſter, in the county of Suffex.

*Certain tolls granted for 21 years.*

### C A P. XXXVI.

*An act for the more effectual preventing the importation and wear of foreign embroidery and brocade, and of gold and ſilver thread, lace, or other work made of gold or ſilver wire manufactured in foreign parts.*

**W**HEREAS great quantities of foreign embroidery, gold and ſilver thread, lace, fringe, and brocade, continue to be daily brought into, and ſold within this kingdom, and great ſums of money are daily exported out of this kingdom for the buying and fetching in of thoſe commodities, the importation whereof is contrary to ſeveral acts of parliament made for prohibiting the ſame: for redreſs whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of July, one thouſand ſeven hundred and forty nine, no foreign embroidery, or gold, or ſilver brocade, ſhall be imported or brought into Great Britain, upon pain of being forfeited and burnt, and upon the further penalty of one hundred pounds of lawful money of Great Britain, to be paid by the importer thereof for each piece or parcel ſo imported.

Penalty on importing foreign embroidery, or gold or ſilver brocade.

Venders or makers up of foreign embroidery, &c. to forfeit 100l. and the garment to be burnt.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of July, one thouſand ſeven hundred and forty nine, no mercer, laceman, haberdasher, upholder, milliner, taylor, or other perſon or perſons whatſoever, ſhall vend, utter, ſell, or expoſe to ſale, or exchange, barter, truck, or otherwiſe diſpoſe of, any foreign embroidery, gold, or ſilver thread, lace, fringe, brocade, or any other work made thereof, or of gold or ſilver wire, or plate, wove, wrought, fabricated, or manufactured in foreign parts, or ſew, work, or make up the ſame, for, in, or upon any garment or wearing apparel whatſoever, upon pain that all and every ſuch foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or other work made thereof, or of gold or ſilver wire, or plate, ſo ſold or expoſed to ſale, exchanged, bartered, trucked, or diſpoſed of, or ſewed, worked, or made up, for, in, or upon any garment or wearing apparel, and the garment, wearing apparel, or other materials, in, with, or upon which the ſame ſhall be ſo ſewed, wrought, or made up, ſhall be forfeited and burnt; and all and every perſon or perſons who ſhall vend, utter, ſell, or expoſe to ſale, exchange, barter, truck, or diſpoſe of, or knowingly ſew, work, or make up, or cauſe or procure to be worked or made up, for, in, or upon any garment or wearing apparel, any ſuch foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or other work, wove, wrought, fabricated, or manufactured in foreign parts

Parts, ſhall, for every ſuch offence, forfeit the ſum of one hundred pounds of lawful money of *Great Britain*.

III. And be it further enacted by the authority aforeſaid, That all foreign embroidery and gold or ſilver thread, lace, fringe, brocade, or other work made thereof, or of gold or ſilver wire or plate, wove, wrought, fabricated, or manufactured in foreign parts, which, after the ſaid firſt day of *July*, one thouſand ſeven hundred and forty nine, ſhall be ſeized within this kingdom, whether the ſame ſhall be mixed with, ſewed on, or made up, together with any other goods or materials, or otherwiſe, and the apparel, garment or other materials, in, with, or upon which the ſame ſhall be mixed, ſewed, or made up, ſhall be forfeited, and after condemnation ſhall be burnt; and the mercer, and the dealer, laceman, haberdasher, upholder, milliner, taylor, or other dealer in, or vender or maker up of, any of the ſaid manufactures, in whoſe houſe, warehouse, cuſtody, or poſſeſſion the ſame ſhall be ſo found and ſeized, being thereof convicted, ſhall, for each piece or parcel of ſuch foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or other work made thereof, or of gold or ſilver wire or plate, that ſhall be ſeized and found in his, her, or their houſe, ſhop, warehouse, cuſtody, or poſſeſſion as aforeſaid, and which ſhall have been brought, placed, or continued there, with his, her, or their knowledge, privity, or conſent, forfeit the ſum of one hundred pounds of lawful money of *Great Britain*. Foreign embroidery, &c. which ſhall be ſeized after 1 July, 1749, to be burnt, &c. to forfeit 100 l.

IV. And be it further enacted by the authority aforeſaid, That all foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or other work made thereof, or of gold or ſilver wire or plate ſeized by virtue of this or any other act, ſhall, after condemnation, be together with the garment, wearing apparel, or other materials, in, with, or upon which the ſame ſhall be mixed, ſewed, wrought, or made up, publickly burnt at ſuch places as the commiſſioners of his Maſteſty's cuſtoms in *England* or *Scotland* reſpectively ſhall direct. The embroidery, &c. with the garments, to be burnt.

V. And be it further enacted by the authority aforeſaid, That the ſeveral penalties and forfeitures in this act mentioned, ſhall and may be proſecuted and determined by bill, plaint, or information in any of his Maſteſty's courts of record at *Weſtmiſter*, or in the court of exchequer in *Scotland* reſpectively, wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed; and one moiety of the ſaid penalties and forfeitures ſhall be to the uſe of the King's maſteſty, and the other moiety to ſuch perſon or perſons as will ſue for or proſecute the ſame. Proſecution of penalties, and application.

VI. And be it further enacted by the authority aforeſaid, That if any queſtion or doubt ſhall ariſe, where the ſaid goods were manufactured, the proof ſhall lie upon the owner or claimer of ſuch goods, or the perſon proſecuted for being guilty of an offence againſt this act, and not upon the proſecutor; any law, uſage, or cuſtom to the contrary notwithstanding. The proof to lie upon the claimer.

VII. Provided always, That nothing in this act contained ſhall incur no penalty. The wearer to incur no penalty.

ſhall extend, or be conſtrued to extend, to inflict any penalty on the wearer of any foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or other work made thereof, or of gold or ſilver wire or plate; any thing herein contained to the contrary thereof in any wiſe notwithstanding.

Limitation of  
actions.

VIII. Provided always, and it is hereby enacted and declared, That all informations, bills, actions, and ſuits, that ſhall be had, brought, commenced, ſued, or exhibited for any forfeiture or offence committed againſt this or any of the former acts of parliament, which prohibit the importation or ſale of foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or other work made thereof, or of gold or ſilver wire or plate, or aſſy of them, ſhall and may be had, brought, commenced, ſued, and exhibited within twelve calendar months after the diſcovery of ſuch offence, and in caſe of ſeizure, within three months after ſuch ſeizure ſhall be made; any former act or law to the contrary notwithstanding.

General iſſue.

IX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued or proſecuted for what either he or they ſhall do in the execution of this act, he or they may plead the general iſſue, and give this act, and the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action or actions; or if a verdict ſhall paſs againſt him, her, or them, the defendant

Treble coſts.

or defendants ſhall recover treble coſts, for which they ſhall have the like remedy, as in other caſes where coſts are allowed to defendants.

### C A P. XXXVII.

*An act for the better ſecuring his Maſteſty's duties ariſing upon coal, culm, and cinders, exported beyond ſea.*

WHEREAS by the laws now in force, the maſters of all ſhips and veſſels uſed and employed in carrying coals, culm, and cinders coaſtwiſe, from port to port within the kingdom of Great Britain, do at the ſeveral and reſpective ports, where and at the time when coals, culm, and cinders are ſhipped or laden on board their ſhips or veſſels, enter into bond to his Maſteſty with ſecurity for the delivery of their reſpective ladings of coals, culm, and cinders in ſome other port or creek in Great Britain: and whereas many of the ſaid maſters of ſhips and veſſels ſo laden with coals, culm, or cinders, to be carried coaſtwiſe, do, under pretence of being forced by contrary winds and ſtreſſs of weather, carry and convey, and diſpoſe of their ſaid ladings of coals, culm, and cinders in foreign parts beyond the ſeas, without having firſt paid the cuſtoms and overſea duties due to his Maſteſty for the ſame upon the exportation thereof, and which they ought to have paid at the port where their cargoes of coals, culm, or cinders were laden, before the departure out of the ſaid port; which practice tends to the promoting and encouraging of fraud, and is a great prejudice to the publick revenue: therefore, for the preventing ſuch fraudulent practices, and the conſequences thereof for the future, be it enacted by the King's moſt excellent maſteſty, by an

with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of *June*, in the year of our Lord one thouſand ſeven hundred and forty nine, it ſhall not be lawful for any collector, comptroller, customer, ſurveyor, ſearcher, waiter, or other officer or officers of the cuſtoms whatſoever, or their deputy or deputies, in any port, harbour, haven, creek, or other place whatſoever within the kingdom of *Great Britain*, to clear outwards any ſhip or veſſel whatſoever wherein coals, culm, or cinders ſhall have been exported and carried from any port or place whatſoever in *Great Britain*, to any port or place whatſoever in parts beyond the ſeas, nor to ſign, iſſue forth, or grant any warrant, cocquet, lett-paſs, tranſire, ſufferance, return, diſcharge, or other diſpatch or diſpatches, of any nature or kind whatſoever, for the clearing outwards, either for a coaſting or a foreign voyage, any ſuch ſhip or veſſel wherein coals, culm, or cinders ſhall have been laden in *Great Britain*, and delivered in foreign parts, or for the loading or laying on board thereon, any goods or merchandize whatſoever, nor to permit or ſuffer any ſuch ſhip or veſſel to go out of any port, harbour, haven, creek, or other place whatſoever in *Great Britain*, until the maſter, commander, or other perſon or perſons taking charge or care of any ſuch ſhip or veſſel, or the owner or owners thereof, or ſome or one of them, ſhall and do pay, or cauſe to be paid, all the cuſtoms and duties due and payable for and in reſpect of ſuch coals, culm, or cinders ſo carried and exported into parts beyond the ſeas, in ſuch ſhip or other veſſel the laſt preceding voyage ſhe made, or until they ſhall and do produce and ſhew unto ſuch officer or officers of the cuſtoms, or their deputy or deputies, an authentick certificate under the hands and ſeals of the office of the collector, customer, and comptroller, or other chief officer or officers of the cuſtoms, of or belonging to the port, harbour, haven, creek, or other place in *Great Britain*, where the coals, culm, or cinders (ſo exported and conveyed into foreign parts) were firſt ſhipped and laden on board ſuch ſhip or veſſel, ſignifying that ſuch maſter, commander, owner, or other perſon, or ſome or one of them, or their agents, hath fully answered, paid, and ſatiſfied all and every the cuſtoms and other duties due and payable to his Maſteſty, for all ſuch coals, culm, and cinders, ſo carried and exported into foreign parts beyond the ſeas as aforeſaid, by ſuch ſhip or other veſſel the laſt preceding voyage made by ſuch ſhip or veſſel; and in caſe any officer or officers of the cuſtoms, or his deputy, ſhall, from and after the ſaid twenty fourth day of *June*, one thouſand ſeven hundred and forty nine, clear any ſhip or veſſel outwards, or ſign or grant any warrant, cocquet, lett-paſs, tranſire, ſufferance, return, diſcharge, or other diſpatch whatſoever, either for the clearing ſuch ſhip or veſſel outwards, for a foreign or coaſting voyage, or for the loading or laying on board thereon any goods or merchandizes whatſoever, or ſhall permit or ſuffer any ſuch

No officer to clear outwards any veſſels, wherein coals were exported,

until the cuſtoms due for the laſt voyage be paid, or a certificate produced.



ſuch ſhip or veſſel to go out of any port, harbour, haven, creek, or other place in *Great Britain*, before the customs, and other duties, due for all the coals, culm, or cinders exported in her, the laſt preceding voyage ſhe made, be fully paid and ſatisfied to his Maſteſty, or until a certificate of the payment thereof at ſome other port, be produced in the manner and form hereih before mentioned; all and every ſuch officer and officers, or his or their reſpective deputy or deputies, ſo acting contrary to the true intent and meaning of this act, ſhall, for every ſuch offence, forfeit and loſe the ſum of one hundred pounds to his Maſteſty, his heirs and ſucceſſors, to be recovered by bill, plaint, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*, or in the court of *Exchequer* at *Edinburgh* reſpectively; wherein no eſſoin, protection, wager at law, or more than one imparlance ſhall be allowed.

Penalty pool.

Limitation of actions.

General iſſue.

II. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, the defendant or defendants in ſuch action or ſuit may plead the general iſſue, and give this act, and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, then the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant ſhall have appeared, or if judgment ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as defendants have in other caſes by law.

Treble coſts.

Penalty on maſters of ſhips, wherein coals, &c. ſhall be laden, to be carried coaſt- wiſe, proceeding with the ſame beyond the ſeas.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of *June*, one thouſand ſeven hundred and forty nine, if any maſter, commander, or other perſon, taking charge or care of any ſhip or other veſſel whatſoever, whereon coals, culm, and cinders ſhall be laden in any port, harbour, haven, creek, or other place in *Great Britain*, in order to be carried coaſt- wiſe to ſome other port or place within the realm, or having given bond accordingly, ſhall proceed with his ſaid loading of coals, culm, or cinders, to parts beyond ſeas, and there unlade, deliver, and diſpoſe of the ſame, or any part thereof, not being compelled thereto by ſtreſs of weather, or other lawful neceſſity, all and every ſuch maſters, commander, or other perſon, taking charge or care of ſuch ſhip or veſſel, ſhall, for every ſuch offence, forfeit and pay for every chaldron of coals, culm, or cinders ſo exported, unladen, delivered, and diſpoſed of, contrary to the tenor and true meaning of this act, the ſum of five ſhillings, over and above all duties payable to his Maſteſty, his heirs and ſucceſſors, for or in reſpect of the ſame, to be recovered by action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*, or in the court of *Exchequer* at *Edinburgh* reſpectively, wherein no eſſoin, protection, wager of law, or more

more than one imparlance, ſhall be allowed; one moiety of which forfeiture ſhall be to the uſe of his Maſteſty, his heirs and ſucceſſors, and the other moiety to the uſe of ſuch perſon or perſons as ſhall inform or ſue for the ſame.

## C A P. XXXVIII.

*An Act to prevent the miſchiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gunpowder together from one place to another.*

**W**HEREAS great quantities of gunpowder are frequently lodged in warehouſes, or other edifices, within or near to cities and market towns, to the apparent danger of the lives and fortunes of many thouſands of his Maſteſty's ſubjects: therefore, for preventing the miſchiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gunpowder together from one place to another, be it enacted by the King's moſt excellent Maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June, one thouſand ſeven hundred and forty nine, it ſhall not be lawful for any perſon or perſons to have or keep gunpowder for more than the ſpace of twenty four hours at any one time, in greater quantity than four hundred pounds weight, in any houſe, ſtorehouſe, warehouſe, ſhop, cellar, or other place, in any city, or the ſuburbs thereof, or in any market town, or within one hundred yards diſtance thereof, within that part of Great Britain called England, or within two miles of any of the King's palaces, or houſes of reſidence, or within one mile of any of the King's magazines for keeping gunpowder; nor ſhall it be lawful for any perſon or perſons to have or keep, for more than the ſpace of twenty four hours at any one time, a greater quantity than thirty hundred pounds weight of gunpowder, in any houſe, ſtorehouſe, warehouſe, ſhop, cellar, or vault, or in any other place whatſoever, within that part of Great Britain called England, except as hereafter is excepted.

No perſon to keep for more than 24 hours, above 400 wt. of gunpowder near any city, or &c.

nor above 300 wt. in any place.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June, one thouſand ſeven hundred and forty nine, it ſhall and may be lawful for any two or more juſtices of the peace for the county, riding, diviſion, city, town, or place, wherein any perſon or perſons making, dealing, or trading in gunpowder, or having gunpowder in his, her, or their keeping or poſſeſſion, in any houſe, ſtorehouſe, warehouſe, ſhop, cellar, or other place, ſhall reſide, upon demand made, and a reaſonable cauſe aſſigned for ſuch demand, by any pariſh officer, or by any two or more houſholders inhabiting within any pariſh or place, wherein ſuch gunpowder is ſo kept, to iſſue a warrant or warrants for ſearching, in the day-time, ſuch houſe, ſtorehouſe, warehouſe, ſhop, cellar,

2 Juſtices on application of a pariſh officer, or 2 houſholders, to iſſue ſearch warrants, &c.

or

and if there  
ſhall be any  
greater quan-  
tity found, the  
ſame to be for-  
feited.

or other place; and for that purpoſe to break open the door of ſuch houſe, ſtorehouſe, warehouse, ſhop, cellar, or other place, if there ſhall be occaſion; and if upon ſuch ſearch more than four hundred pounds weight of gunpowder ſhall be found in any houſe, ſtorehouſe, warehouse, ſhop, cellar, or other place, in any city, or ſuburbs thereof, or in any market town, or within one hundred yards diſtance thereof, or within two miles of any of the King's palaces, or houſes of reſidence, or within one mile of any of the King's magazines for keeping gunpowder, or more than thirty hundred pounds weight in any other place (except as herein after is excepted) all ſuch gunpowder exceeding the reſpective quantities before-mentioned ſhall be ſeized and forfeited to any perſon or perſons who will inform and ſue for the ſame, by any action, bill, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*; which courts are hereby impowered and required to give judgment in ſuch actions, bills, or informations to be brought upon this act for the recovery of ſuch gunpowder in ſpecie, or for the value thereof, together with full coſts, and to award effectual execution thereon; provided ſuch ſuit or action be commenced within three calendar months next after ſuch forfeiture or penalty ſhall be incurred, and ſhall be proſecuted without wilful delay; and upon ſuch ſeizure it ſhall and may be lawful for the ſearchers or perſons finding the ſame, to remove, or cauſe ſuch gunpowder ſo ſeized to be removed out of the limits aforeſaid, and to detain and keep the ſame until it ſhall be determined in one of his Maſteſty's courts of record at *Weſtmiſter*, whether the ſame ſhall be forfeited by virtue of this act; and the perſon or perſons ſo ſeizing or detaining the ſame, ſhall not be ſubject or liable to any action or ſuit for ſo ſeizing or detaining the ſame, other than for any damage which ſuch gunpowder ſhall or may receive during the time the ſame ſhall be ſo detained.

Full coſts.

Limitation of  
actions.

Upon ſeizure  
the gunpow-  
der may be  
removed, &c.

Nor greater  
quantity than  
25 C wt to  
be carried at  
any one time  
in any land  
carriage;

no greater  
than 50 C. wt.  
in any open  
veſſel;

and the car-  
riages to be  
covered,

and the bar-  
rels cloſe  
hooped.

III. And for preventing miſchiets which may happen from conveying great quantities of gunpowder from one place to another, be it enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of *June*, one thouſand ſeven hundred and forty nine, it ſhall not be lawful for any perſon or perſons to convey, at any one time, in any waggon, cart, or other carriage, within that part of *Great Britain* called *England*, a greater quantity of gunpowder than twenty five hundred pounds weight; nor ſhall any perſon or perſons carry or convey, at any one time, in any open barge, boat, or veſſel, upon any river, within the diſtance of one mile from any city or market town, a greater quantity of gunpowder than fifty hundred pounds weight; and all ſuch gunpowder, which ſhall be carried or conveyed in any waggon, cart, or other carriage, after the time aforeſaid, ſhall be carried in covered carts and carriages, and the barrels in which ſuch gunpowder is carried in waggons, carts, or carriages, barges, boats, or veſſels, ſhall be cloſe joined and hooped, and ſecured in ſuch manner, that no part thereof be ſcattered in the paſſage; and if any gunpowder ſhall be car-

ried or conveyed in any greater quantities reſpectively, or in any other manner than as before directed, all ſuch gunpowder ſhall and may be ſeized by any perſon or perſons, and upon due proof of the offence made before two or more juſtices of the peace, ſhall be forfeited to the uſe of the informer or informers. Penalty.

IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June, one thouſand ſeven hundred and forty nine, if any perſon or perſons, who ſhall be employed in any ſtorehouſe or warehouſe where gunpowder is kept, or in carrying or conveying gunpowder from one place to another, ſhall wilfully commit any act, whereby ſuch gunpowder may be in danger of taking fire; every perſon ſo offending, and being thereof convicted before one or more juſtice or juſtices of the peace, ſhall forfeit and pay to the informer, immediately upon ſuch conviction, the ſum of five ſhillings for every hundred pounds weight of gunpowder contained in ſuch ſtorehouſe or warehouſe, or which ſuch perſon ſhall be employed in carrying or conveying from one place to another; and in caſe of nonpayment thereof, ſhall be committed to the publick gaol, there to remain without bail or mainprize, for any time not exceeding the ſpace of ſix calendar months, as ſuch juſtice or juſtices ſhall think fit. Penalty of careleſſneſs in perſons employed where gunpowder is kept, or in conveying the ſame.

V. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend to any ſtorehouſe or magazine belonging to his Maſteſty, his heirs or ſucceſſors, wherein gunpowder or other ſtores ſhall be kept, or to hinder the proving or trying gunpowder for his Maſteſty's officers, as is uſual for the ſervice of his Maſteſty, his heirs or ſucceſſors, or to the carrying of gunpowder to or from any of his Maſteſty's magazines, or with forces on their march, or to any mills already built and uſed for the making of gunpowder, or to any ſtorehouſes, warehouſes, or other offices near or adjoining to ſuch mills, or to the magazines now erected for keeping gunpowder at *Barkin Creek's* mouth, in the county of *Effex*, and *Erith Level* in the county of *Kent*, or to the magazines or warehouſes now erected near *Liverpool* in the county of *Lancaſter*. Places, &c. exempted.

VI. And whereas it may be neceſſary hereafter to erect warehouſes for keeping gunpowder in places remote from cities and towns; but ſo far as much as the perſon or perſons, who may be deſirous to erect ſuch warehouſes, may be liable to actions or diſturbance on that account, be it enacted by the authority aforeſaid, That the juſtices of the peace for each county, riding, or diſiſion, within that part of Great Britain called England, ſhall, at their general quarter ſeſſions of the peace to be holden for the ſaid counties, ridings, or diſiſions reſpectively, upon application made to them for that purpose, appoint proper and convenient plots of ground, at the diſtance of two miles from any city or market town, not exceeding two acres in any one place, with the uſe of convenient roads leading thereto, on which plots of ground ſo appointed, it ſhall and may be lawful for any perſon or perſons deſirous ſo to do, to erect warehouſes for keeping gunpowder in any quantity. Quarter ſeſſions may appoint ground for erecting warehouſes for gunpowder;

and in case of  
difference, &c.  
appoint a jury  
to settle the  
value of the  
grounds.

first agreeing with the owners and proprietors of the said grounds for the same; and in case any such owner or proprietor shall refuse or neglect to agree, or by reason of any disability or impediment cannot so agree, the justices of the peace for the county, riding, division, or place where such plot of ground shall lie, shall, at their general quarter sessions, issue their warrant or warrants to the sheriff of that county, to impanel and return before them, at such times and places as shall be appointed in such warrant or warrants, a sufficient jury, who, upon their oaths (which oaths the said justices are hereby respectively empowered to administer) shall enquire into the true value of the said plot or plots of ground, with the use of convenient roads leading thereto, so to be appointed for gunpowder warehouses as aforesaid; and all such verdicts and inquisitions shall be kept with the records of the said sessions respectively, and the judgments and decrees of the said justices respectively thereupon shall be final and conclusive to all parties; and to that end, the said justices respectively shall have power to send for any person or persons interested, and to examine any parties or witnesses upon oath, as they shall think fit (all which oaths the said respective justices are hereby empowered to administer) and the sum or sums of money to be assessed and adjudged as aforesaid, not exceeding thirty years purchase, shall be paid to the respective proprietors and owners of the said ground, according to their respective interests therein, to be adjudged by the said justices respectively as aforesaid; and upon such payment, or in case of refusal to accept the same, then upon leaving the same with the respective justices, for the benefit of such owner or proprietor, the inheritance of the said plot or plots of ground, and use of the said roads leading thereto, shall be vested in the purchasers thereof, and their heirs and assigns, for the purposes aforesaid, and not otherwise; and the warehouses which shall be erected thereon, shall be built, from time to time, in such manner, as will most effectually render them safe and secure.

Sum not to  
exceed 30  
years pur-  
chase.

No penalty  
for keeping  
30 C. Wt. in  
warehouses  
already built,  
unless the  
same shall be  
deemed dan-  
gerous, &c.

VII. And it is hereby declared by the authority aforesaid, That no forfeiture or penalty shall be incurred upon account of gunpowder kept in greater quantities than thirty hundred pounds weight, within any warehouse or magazine already built for that purpose, unless the justices of the peace of the county or place wherein such warehouse is built, at their quarter sessions, shall, upon complaint thereof made by any two or more of the inhabitants of or near that place, adjudge the same to be dangerous and unsafe, and until the expiration of six calendar months next after such adjudication; and provided such warehouse or magazine be not situate in any city, or the suburbs thereof, or in any market town, or within one hundred yards distance thereof, or within two miles of any of his Majesty's palaces or houses of residence, or within one mile of any magazine belonging to his Majesty for the keeping gunpowder.

General issue.

VIII. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against

against any person or persons for any thing done in pursuance of this act, in every such case such person or persons shall and may plead the general issue, and give this act, or the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions ~~after~~ issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law. Treble costs.

IX. Provided always, and be it enacted, That all suits, actions, and prosecutions, to be brought, commenced, or prosecuted against any person or persons for any thing done, or to be done, in pursuance, or by the authority of this act, shall be laid or tried in the county or place where the fact was committed, and shall be commenced or prosecuted within six calendar months next after the fact committed, and not otherwise. Limitation of actions.

X. Provided always, That nothing in this act contained shall extend, or be construed to extend, to repeal, take away, or alter any of the clauses, powers, or provisions contained in two acts of parliament, the one made in the fifth year of the reign of his late majesty King George the First, intituled, *An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof*; and the other made in the eleventh year of his said late Majesty's reign, intituled, *An act for making more effectual an act passed in the fifth year of his Majesty's reign, intituled, An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London or Westminster, or the suburbs thereof*. This act not to invalidate 5 Geo. 1. c. 26. 11 Geo. 1. c. 23.

## CAP. XXXIX.

An act for enlarging the powers granted by an act passed in the sixteenth year of the reign of his present Majesty, for repairing the road from Boroughbridge, in the county of York, to Catherick in the same county, and from thence to Penfbridge, on the river Tees.

The act 16 Geo. 2. c. 7. continued for 21 years.

## CAP. XL.

*An act for enlarging and maintaining the harbour of Ramsgate, and for cleansing, amending, and preserving the haven of Sandwich,*

WHEREAS frequent losses of the lives and properties of his Majesty's subjects happen in the Downs, for want of a harbour between the north and south forelands, the greatest part of the ships employed in the trade of this nation being under a necessity at going out upon, as well as returning from their voyages, to pass through the Downs, and frequently by contrary winds being detained there a long time, during which they (especially the outward-bound ships)

*ſhips) are expoſed to violent ſtorms, and dangerous gales of wind, without having any ſufficient harbour to lie in, or retreat into, or from whence they can receive any aſſiſtance: and whereas a harbour may be made at the town of Ramſgate, proper and convenient for the reception of ſhips, of and under three hundred tons burthen, and from whence larger ſhips in diſtreſs in the Downs may be ſupplied with pilots, anchors, cables, and other aſſiſtance and neceſſaries; and by the ſmaller ſhips taking ſhelter in this harbour, the larger ſhips may take the anchorage, which at preſent is occupied by the ſmaller, and by that means their anchors will be fixed in more holding ground, and the ſhips not be ſo expoſed to the ocean: for carrying therefore a work of ſuch publick utility into execution, and that the ſaid harbour may be enlarged, conſtructed, finiſhed, and maintained in ſuch a manner, as to be rendered of ſervice to the trade and navigation of this nation; may it pleaſe your moſt excellent Maſteſty, that it may be enacted, &c.*

The truſtees are to ſettle the duties; viz. not exceeding 6 d. per ton, to be paid by every veſſel of 20 tons and not exceeding 300 tons, coming into the harbour; and on every ſhip which ſhall exceed 300 tons, not exceeding 2 d. for each ton (except ſhips laden with coals, or ſtones) and on every chaldre of coals, or ton of ſtones, not exceeding 3 d. Duties to be publiſhed in the London Gazette. No veſſel to be cleared till information on oath of her burthen. Merchants to make an allowance of the duty to the maſters. Collector to keep the accounts of the monies received. Copies of which to be tranſmitted to the receiver-general; and alſo of receipts and diſburſements, &c. No coaſting veſſel to pay but once a year. Truſtees to agree with workmen for building, &c. the harbour; impowered to purchaſe buildings, &c. In caſe of reſuſal to treat, truſtees may ſettle the damages, upon oath of a jury. Sheriſſ to ſummon the jury. 20 days notice to be given to the parties intereſted, of their meeting. Truſtees may borrow money at 5 l. per cent. intereſt. Or by granting annuities at 9 l. 10 s. per cent. Rates not liable to pay intereſt for more than 50,000 l. at one time. Annuities to be free from taxes. Truſtees to meet once in every year, and to give notice in the London Gazette, &c. and publiſh the rates for the ſucceeding year, &c. After determination of annuities rates ſhall ceaſe. Truſtees to appoint proper officers. Truſtees to meet once in every year at Guildhall, and to ſtate the accounts, &c. Accounts of collectors to be laid before the lord mayor, &c. who may examine the ſame, and impoſe fines on perſons making concealment or imbezlements. In default of payment perſons to be committed. Accounts when allowed, to be tranſmitted to the commiſſioners of the navy. No perſon ſhall empty any ballaſt, &c. in the harbour, on pain of 40 s. Ships not to fail into the baſon, penalty 10 l. Truſtees impowered to remove ſhips out of the baſon. On death, &c. of truſtees, others to be choſen. Truſtees ſhall ſettle the demands to be taken for wharfs, &c. by their tenants and leſſees. All former duties to ceaſe. Ship bound to or from Sandwich, being the property of the inhabitants, not liable to the rates. 200 l. per ann. to be paid out of the rates to the mayor, &c. of Sandwich. Application of the money for repairing their harbour. 10 l. penalty of throwing ballaſt or rubbiſh into the river, or fixing piles within the channel without licence. No more than 2 ſhips to lie abreſt, longer than one tide. The truſtees impowered to apply 10,000 l. for erecting ſuch works as they ſhall judge neceſſary at the haven of Sandwich. Judgements to be final, without appeal. Veſſels belonging to Dover exempted from duties. Veſſels belonging to Weymouth and Melcombe Regis, and Lyme Regis, exempted. Veſſels belonging to Great Yarmouth exempted.

## CAP. XLI.

An act for rectifying mistakes in the names of several of the commissioners appointed to put in execution the act for granting a land tax for the year one thousand seven hundred and forty eight, and for appointing other commissioners, together with those named in the said act, to put in execution an act for granting a land tax for the year one thousand seven hundred and forty nine, and for directing the names of collectors of the said tax to be certified to the receivers general; and for the relief of the borough of Hôlmiton as to arrears of the land tax, and the house and window taxes for the years one thousand seven hundred and forty seven, and one thousand seven hundred and forty eight.

E X P.

## CAP. XLII.

*An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty nine; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards; and for continuing the bounties on the exportation of British and Irish linens; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders lost, burnt, or otherwise destroyed.*

*Most gracious Sovereign,*

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty nine, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesses, and overplus monies, commonly called *The sinking fund*: and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued,

One million granted out of the sinking fund, towards the supply.



ed, and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty nine; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

Clause of loan  
at 4l. per  
cent.

II. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

Tallies and  
orders for re-  
payment,

III. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders not entered, shall be taken and accounted to be the second person to be paid

to carry 4l. per  
cent. interest.

Orders to be  
register'd, and  
paid in course.

paid, and ſo ſucceſſively and in courſe; and that the monies to come in, of or for the ſaid ſurpluſſes, exceſſes, or overplus monies, commonly called *The ſinking fund*, as aforeſaid, ſhall be in the ſame order liable to the ſatisfaction of the ſaid reſpective perſons, and body or bodies politick or corporate, their executors, administrators, ſucceſſors, or aſſigns reſpectively, without any undue preference of one before another, and not otherwiſe; and ſhall not be diverted or divertible to any other uſe, intent, or purpoſe whatſoever (other than ſuch uſes or purpoſes as are appointed by any other act or acts of parliament in that behalf as aforeſaid;) and that no fee, reward, or gratuity directly or indirectly ſhall be demanded or taken of any of his Maſteſty's ſubjects for providing or making of any ſuch books or registers, or any entries, views, or ſearches in or for payment of money lent, or the intereſt thereof as aforeſaid, by any of his Maſteſty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full coſts of ſuit; or if the officer himſelf take or demand any ſuch fee or reward, then to loſe his place alſo; and if any undue preference of one before another ſhall be made either in point of registry, or payment, contrary to the true meaning of this act, by any ſuch officer or officers, then the party offending ſhall be liable by action of debt, or on the caſe, to pay the value of the debt with full coſts of ſuit to the party grieved, and ſhall be forejudged of his place or office; and if ſuch preference be unduly made by any his deputy or clerk, without direction or privity of his maſter, then ſuch deputy or clerk only ſhall be liable to ſuch action, debt, damages, and coſts, and ſhall be for ever after incapable of his office or place; and in caſe the auditor of the receipt ſhall not direct the ſaid orders of loan, or the clerk of the pells record, or the teller make payment upon ſuch orders, according to each perſon's due place and order as before directed, then he or they ſhall be adjudged to forfeit, and the reſpective deputies and clerks therein offending, to be liable to ſuch action, debt, damages, and coſts, in ſuch manner as aforeſaid; all which ſaid penalties, forfeitures, damages, and coſts, to be incurred by any the officers of the exchequer, or any their deputies or clerks, ſhall and may be recovered by action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*; wherein no eſſoin, protection, privilege, wager of law, injunction, or order of reſtraint ſhall be in any wiſe granted or allowed.

Penalty.

Penalties how to be recovered.

IV. Provided always, and it is declared, That if it ſhall happen that ſeveral tallies of loan or orders for payment as aforeſaid, bear date, or be brought the ſame day to the auditor of the receipt to be regiſtred, then it ſhall be interpreted no undue preference which of thoſe be entered firſt, ſo as he enters them all the ſame day.

No undue preference, where tallies are brought the ſame day.

V. Provided alſo, That it ſhall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers

Nor if ſubſequent orders be paid before ſuch as were

not demand-  
ed.

do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy previous orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Orders assign-  
able.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign or transfer his, her, and their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, or assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

No fee for  
entry.

The assign-  
ment not to be  
voided.

VII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of one million, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of one million, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine) are enacted and prescribed, concerning the exchequer bills to be made in pursuance of the said act.

Treasury may  
make new ex-  
chequer bills  
for raising the  
said one mil-  
lion, &c.

To be subject  
to the regu-  
lations in 22  
Geo. 2. relat-

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisions, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in

the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act, except such clauses as do charge the same on the rates or duties, granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated or re-enacted in the body of this present act.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Exchequer bills, &c. to be repaid out of the sinking fund.

X. And towards enabling your Majesty to discharge the great debts contracted by the late war, and raising the supplies granted to your Majesty in this session of parliament, your said dutiful and loyal commons have also freely given and granted unto your Majesty the further sum of one million, to be raised in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal sign manual, to authorize and empower the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of *December*, one thousand seven hundred and forty nine, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money, not exceeding in loans and exchequer bills, together in the whole, the said sum of one million, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by the before-mentioned act of this present session of parliament, for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine, are enacted and prescribed concerning the

His Majesty empowered to borrow one million on exchequer bills.

loans or exchequer bills to be taken or made in pursuance of the said act.

The exchequer bills to be subject to the regulations contained in the malt act.

XI. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the rates and duties granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

Exchequer bills to carry 4 per cent. interest, and to be charged on the first supplies, granted after 29 sept. 1749, &c.

XII. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, not exceeding one million as aforesaid, as shall be taken in or made forth in pursuance of this act, may respectively be made to bear or carry an interest, *præmium*, or rate, not exceeding four pounds *per centum per annum*, and all such loans or exchequer bills, together with the interest, *præmium*, rate, and charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in parliament, next after the twenty ninth day of *September*, one thousand seven hundred and forty nine; and in case sufficient aids or supplies for that purpose shall not be granted before the twenty fourth day of *June*, one thousand seven hundred and fifty, then all and every the said loans or exchequer bills, with the interest, *præmium*, rate, and charges incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies, as at any time or times, at or after the said twenty fourth day of *June*, one thousand seven hundred and fifty, shall be or remain in the receipt of the exchequer of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such loans or exchequer bills, interest, *præmium*, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

or on the sinking fund.

Sinking fund to be replaced.

XIII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses or overplus monies, commonly called *The sinking fund*, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament, any thing herein contained to the contrary notwithstanding.

XIV. Provided always, and be it enacted by the authority of the Monies of the  
 aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine*;) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon the other act of this session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty nine*;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereupon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of one million by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that is to say)

XV. It is hereby enacted and declared, That out of all or Out of the aids  
 any the aids or supplies aforesaid, there shall and may be issued to be paid,  
 and applied any sum or sums of money, not exceeding one million one hundred sixty nine thousand eight hundred seventy eight pounds, and eight pence, for or towards the naval services herein after more particularly expressed; that is to say, for or 1,169,878l. 8d.  
 towards defraying the charges of the ordinary of his Majesty's towards naval  
 navy, and for half-pay to sea-officers; and for or towards vic-services.  
 tuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; for the year one thousand seven hundred and forty nine.

XVI. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand 10,000l to  
 pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of hospital.  
 the said hospital, worn out and become decrepit in the service of their country; and any sum or sums of money, not exceeding 1,000,000 l.  
 one million, towards discharging seamens wages and other towards sea-  
 payments due on the debt of the navy on the thirty first of De- men's wages,  
 cember, one thousand seven hundred and forty eight, not al- and other  
 ready provided for. debts of the  
 navy.

177,147 l. 15s.  
10 d. towards  
the office of  
ordnance.

XVII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred seventy seven thousand one hundred forty seven pounds, fifteen shillings, and ten pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty nine, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

1,730,477 l.  
8s. 4d.  
to the land  
forces,

XVIII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million seven hundred and thirty thousand four hundred seventy seven pounds, eight shillings, and four pence, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; (that is to say) any sum or sums of money, not exceeding six hundred twelve thousand two hundred and thirty pounds, four shillings, and seven pence, for defraying the charge of the eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the service of the year one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding two hundred eighteen thousand eight hundred sixty four pounds one shilling, and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia*, *Gibraltar*, and *Providence*, for the year one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding one hundred and eleven thousand six hundred and twelve pounds, three shillings, and four pence, for defraying the charge of his Majesty's forces in the island of *Cape Breton*, and of the twelve independent companies of foot in the *East Indies*, for the year one thousand seven hundred and forty nine; and any sum or sums of money not exceeding thirty thousand seventy eight pounds, two shillings, and six pence, to make good his Majesty's engagements with the King of *Sweden*, as *Landgrave of Hesse Cassell*, pursuant to treaty; and any sum or sums of money, not exceeding thirty thousand five hundred forty eight pounds, fourteen shillings, and six pence, to make good his Majesty's engagements with his most serene highness the duke of *Brunswick Wolfenbuttle*, pursuant to treaty; and any sum or sums of money, not exceeding one hundred thousand pounds, to be paid over to the empress Queen of *Hungary*, to answer the like sum claimed by her imperial Majesty, as an arrear of the sum of four hundred thousand pounds, mentioned in the convention concluded at the *Hague*, the twenty sixth day of *January*, one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding eight thousand six

of which  
612,230 l. 4s.  
7 d. for guards  
and garrisons,  
&c in Great  
Britain, &c.

278,864 l. 1s.  
5d. 2q. for  
the planta-  
tions, &c.

111,612 l. 1s.  
4d. for Cape  
Breton and  
the East In-  
dies.

30,078 l. 2s.  
6d. to the  
King of Swe-  
den;

30,548 l. 14s.  
6d. to the  
duke of Brunf-  
wick Wolfen-  
buttle;  
100,000 l. to  
the Queen of  
Hungary.

hundred and twenty pounds, to make good his Maſteſty's en-<sup>2,600l. to the</sup> gagements with the elector of *Mentz*, purſuant to treaty; and elector of  
any ſum or ſums of money, not exceeding forty four thouſand <sup>Mentz.</sup>  
ſeven hundred forty four pounds, ſix ſhillings, and three pence, <sup>44,744l. 6s.</sup>  
to make good his Maſteſty's engagements with the elector of *Ba-*  
*Bſvaria*,<sup>3d. to the</sup> purſuant to treaty; and any ſum or ſums of money, <sup>elector of Ba-</sup>  
not exceeding ſixteen thouſand pounds, for the pay of the ge-<sup>16,000l. for</sup>  
neral; and ſtaff officers, for the year one thouſand ſeven hun-<sup>general and</sup>  
dred and forty nine; and any ſum or ſums of money, not ex-<sup>ſtaff officers;</sup>  
ceeding four hundred eighteen thouſand one hundred twenty <sup>418,128l. 18s.</sup>  
eight pounds, eighteen ſhillings, and ten pence; for defraying <sup>10d. for the</sup>  
the extraordinary expences of his Maſteſty's land forces in *Flan-*  
*ders*, in *North Britain*, and *America*, and of other ſervices, in-<sup>forces in Flan-</sup>  
curred in the year one thouſand ſeven hundred and forty eight, <sup>ders, &c.</sup>  
and not provided for by parliament; and any ſum or ſums of  
money, not exceeding ſixty three thouſand two hundred ſeven-<sup>63,474l. 6s.</sup>  
ty four pounds, ſix ſhillings, and three pence, upon account <sup>3d. to out-</sup>  
for out-penſioners of *Chelſea Hoſpital*, for the year one thouſand <sup>penſioners of</sup>  
ſeven hundred and forty nine; and any ſum or ſums of money, <sup>Chelſea Hoſ-</sup>  
not exceeding five thouſand two hundred eighty one pounds, ſix-<sup>pital;</sup>  
teen ſhillings, and eight pence, for defraying the charge for al-<sup>5,281,16s. 8d.</sup>  
lowances to ſeveral officers and private gentlemen of the two <sup>to the 2 troops</sup>  
troops of horſe guards, and regiment of horſe, lately diſbanded, <sup>of horſe</sup>  
for the year one thouſand ſeven hundred and forty nine; and <sup>guards, and</sup>  
any ſum or ſums of money not exceeding ſixty ſeven thouſand <sup>regiment of</sup>  
two hundred twenty ſix pounds, eighteen ſhillings, and four <sup>horſe diſband-</sup>  
pence, upon account of reduced officers of his maſteſty's land-<sup>ed;</sup>  
forces and marines, for the year one thouſand ſeven hundred <sup>67,226l. 12s.</sup>  
and forty nine, ſubject to ſuch rules to be obſerved in the ap-<sup>4d. to the re-</sup>  
plication of the ſaid half-pay, as are herein after preſcribed con-<sup>duced officers;</sup>  
cerning the ſame; and any ſum or ſums of money, not exceed-<sup>3,867 l. 15s.</sup>  
ing three thouſand eight hundred ſixty ſeven pounds, fifteen <sup>7 d. 2 q. to the</sup>  
ſhillings, and ſeven pence halfpenny for paying of penſions to the <sup>penſions of re-</sup>  
widows of ſuch reduced officers of his Maſteſty's land forces and <sup>duced officers</sup>  
marines, as died upon the eſtabliſhment of half-pay in *Great* <sup>widows, &c.</sup>  
*Britain*, and who were married to them before the twenty fifth  
day of *December*, one thouſand ſeven hundred and ſixteen, for  
the year one thouſand ſeven hundred and forty nine; which  
ſaid ſum of three thouſand eight hundred ſixty ſeven pounds,  
fifteen ſhillings, and ſeven pence halfpenny, ſhall be iſſued to  
ſuch perſon or perſons, as his Maſteſty ſhall, by warrant or war-  
rants under his Maſteſty's royal ſign manual, direct or appoint  
to receive the ſame, to be by him or them paid over to ſuch  
widows of half-pay officers, or their aſſigns, according to ſuch  
eſtabliſhments, liſts, or other directions, and with and ſubject  
to ſuch conditions, qualifications, and other allowances for the  
ſame, as his Maſteſty, by ſuch and the like warrant or warrants,  
ſhall be graciouſly pleaſed to direct and appoint.

XIX. And it is hereby alſo enacted by the authority afore-<sup>40,000l. to</sup>  
ſaid: That out of all or any the aids or ſupplies aforeſaid, there <sup>Nova Scotia.</sup>  
ſhall and may be iſſued and applied any ſum or ſums of money,



not exceeding forty thousand pounds, upon account, towards the charge of transporting to his Majesty's colony of *Nova Scotia*, and supporting and maintaining there for a certain time after their arrival, such reduced officers and private men lately dismissed his Majesty's land and sea service, and other his Majesty's subjects, as shall be willing to settle in the said colony, under such regulations as his Majesty shall judge proper.

11,000 l. for  
the bridge at  
Westminster.

XX. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore, in the county of *Surrey*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of twelve thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

20,000 l. to  
reimburse the  
city of Glas-  
gow, sums ex-  
torted by the  
rebels.

XXI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, to reimburse the magistrates and town council of the city of *Glasgow*, the sums extorted from them by the rebels, upon account of their loyalty, during the late unnatural rebellion, for the raising of which the said magistrates and town council were obliged to grant their bonds; and any sum or sums of money, not exceeding five thousand three hundred and four pounds, three shillings and four pence, for the further settling and improving the colony of *Georgia* in *America*, for the year one thousand seven hundred and forty nine.

5,304 l. 3 s. 4 d.  
for Georgia.

20,000 l. to-  
wards support-  
ing the trade  
to Africa.

XXII. And be it further enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, it shall and may be lawful for his Majesty to issue and apply any sum or sums of money, not exceeding ten thousand pounds, towards the support of the trade to *Africa*, in such manner as his Majesty shall judge proper.

7,180 l. 5 s.  
3 d. to make  
good the defi-  
ciency of the  
stamp duties.

XXIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven thousand one hundred eighty pounds, five shillings, and eight pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*; one thousand seven hundred and forty seven; and any sum or sums of money not exceeding thirteen thousand eight hundred twenty seven pounds, twelve shillings, and six pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruits or sugar, at *Midd-*

13,827 l. 12 s.  
6 d. defi-  
ciency of the  
duties on  
sweets.

that, one thouſand ſeven hundred and forty eight; and any ſum or ſums of money, not exceeding thirty five thouſand pounds, to replace to the ſaid ſinking fund the like ſum paid out of the ſame, to anſwer one year's intereſt, due at *Michaelmas*, one thouſand ſeven hundred and forty eight, after the rate of three pounds ten ſhillings: *per centum per annum*, on the principal ſum of one million lent on credit of the ſalt duties, which were continued for ſix years, from *Lady-day*, one thouſand ſeven hundred and fifty three, towards the ſupply for the year one thouſand ſeven hundred and forty five; and any ſum or ſums of money, not exceeding fifteen thouſand two hundred ninety ſeven pounds, eleven ſhillings, and five pence halfpenny, to replace to the ſaid ſinking fund the like ſum paid out of the ſame, to make good the deficiency of the additional duties on wines at *Midſummer*, one thouſand ſeven hundred and forty eight; and any ſum or ſums of money, not exceeding one thouſand four hundred ſixty two pounds, ſix ſhillings, and ten pence, for making good the deficiency of the ſaid additional duties on wines at *Chriſtmas*, one thouſand ſeven hundred and forty eight; and any ſum or ſums of money not exceeding nine thouſand three hundred and eight pounds, ſeven ſhillings, and four pence, to replace to the ſaid ſinking fund the like ſum paid out of the ſame, to make good the deficiency of the duty on licences for retailing of ſpirituous liquors, at *Lady-day*, one thouſand ſeven hundred and forty eight; and any ſum or ſums of money, not exceeding thirty three thouſand eight hundred and four pounds, thirteen ſhillings, and one penny halfpenny, to replace to the ſaid ſinking fund the like ſum paid out of the ſame, to make good the deficiency of the duties on glaſs and ſpirituous liquors, at *Midſummer*, one thouſand ſeven hundred and forty eight; and any ſum or ſums of money, not exceeding forty one thouſand eight hundred twenty two pounds, ten ſhillings, and five pence for making good the deficiency at *Chriſtmas*, one thouſand ſeven hundred and forty eight, of the ſaid duties on glaſs and ſpirituous liquors; and any ſum or ſums of money, not exceeding twenty eight thouſand two hundred ſixty eight pounds, fifteen ſhillings, and five pence three farthings, to replace to the ſaid ſinking fund the like ſum paid out of the ſame, to make good the deficiency of the new duties on houſes, windows, and lights at *Michaelmas*, one thouſand ſeven hundred and forty eight, and any ſum or ſums of money, not exceeding thirty one thouſand and ſixty pounds, ſixteen ſhillings, and one halfpenny, to make good the deficiency of the ſaid new duties on houſes, windows, and lights at *Lady-day*, one thouſand ſeven hundred and forty nine: and any ſum or ſums of money, not exceeding four hundred ſeventy thouſand one hundred eighty ſix pounds, nine ſhillings, and ſix pence farthing to make good the deficiency of the grants for the ſervice of the year one thouſand ſeven hundred and forty eight.

XIV. And be it further enacted by the authority aforeſaid, That the ſaid aids or ſupplies provided as aforeſaid ſhall not be iſſued

35,000 l. for  
interſt on the  
ſalt duties.

15,297 l. 11 s.  
5 d. 2q. to  
make good  
the addi-  
tional duties  
on wines at  
Midſummer,  
1748;  
1,462 l. 6 s.  
10 d. deficiency  
at Chriſtmas,  
1748;  
9,308 l. 7 s.  
4 d. deficiency  
of the duty on  
licences for re-  
tailung ſpiritu-  
ous liquors.  
33,804 l. 13 s.  
1 d. 2q. defi-  
ciency of the  
duties on glaſs  
and ſpirituous  
liquors at  
Midſummer.  
1748;  
41,822 l. 10 s.  
5 d. deficiency  
at Chriſtmas,  
1748;  
28,268 l. 15 s.  
5 d. 3q. defi-  
ciency of the  
duties on  
houſes, &c.  
at Michael-  
mas, 1748.  
and 31,060 l.  
16 s. 2q. defi-  
ciency at La-  
dy-day, 1749;  
470,186 l. 9 s.  
6 d 1q. defi-  
ciency of the  
grants for  
1748;

The fupplies  
to be applied  
only as this  
a<sup>ct</sup> directs.

iffued or applied to any ufe, intent, or purpofe whatfoever, other than the ufes and purpofes before mentioned, or for the feveral deficiencies or other payments directed to be fatisfied thereout by any a<sup>ct</sup> or a<sup>cts</sup>, or any particular claufe or claufes for that purpofe contained in any other a<sup>ct</sup> or a<sup>cts</sup> of this prefent feffion of parliament.

Rules to be  
obferved in  
the applica-  
tion of the  
fum of  
67,226 l. 18 s  
4 d. appropri-  
ated on ac-  
count of half-  
pay.

XXV. And as to the faid fum of fixty feven thoufand two hundred twenty fix pounds, eighteen fhillings, and four pence, by this a<sup>ct</sup> appropriated on account of half-pay, as aforefaid; it is hereby ena<sup>ct</sup>ed and declared by the authority aforefaid, That the rules hercin after prefcribed fhall be duly obferved in the application thereof; that is to fay, That no perfon fhall have or receive any part of the fame, who was a minor, and under the age of fixteen years, at the time when the regiment, troop, or company, in which he ferved, was reduced; that no perfon fhall have or receive any part of the fame, except fuch perfons who did a<sup>ct</sup>ual fervice in fome regiment, troop, or company; that no perfon having any other place or employment of profit civil or military, under his Majefty, fhall have or receive any part of the faid half-pay; that no chaplain of any garrifon or regiment, who has any ecclefiaftical benefice in *Great Britain* or *Ireland*, fhall have or receive any part of the faid half-pay; that no perfon fhall have or receive any part of the fame, who has refigned his commiffion, and has had no commiffion fince; that no part of the fame fhall be allowed to any perfon by virtue of any warrant or appointment, except to fuch perfons, who would have been otherwife intitled to the fame as reduced officers; and that no part of the fame fhall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately difbanded in *Ireland*, except to fuch as were lately taken off the eftablifhment of half-pay in *Great Britain*.

21 Geo. 2. c. 23.

XXVI. And whereas by an a<sup>ct</sup> of parliament made in the twenty firft year of his Majefty's reign, (intituled, An a<sup>ct</sup> for granting to his Majefty the fum of one million out of the finking fund, for the fervice of the year one thoufand feven hundred and forty eight; and for applying a fum of money remaining in the exchequer, aften by the rates and duties on houfes, which determined at *Lady-day*, one thoufand feven hundred and forty feven; and for the further appropriating the fupplies granted in this feffion of parliament; and for applying a certain fum of money for defraying the charge of the allowances for the year one thoufand feven hundred and forty eight, to feveral officers and private gentlemen of the two troops of horfe guards, and three regiments of horfe, lately reduced, feveral fupplies which had been granted to his Majefty, as is therein mentioned, were appropriated to feveral ufes and purpofes therein expreffed, amongft which, any fum or fums of money, not exceeding twenty feven thoufand two hundred twenty four pounds, and fix fhillings, was appropriated to be paid to the reduced officers of his Majefty's land forces and marines, fubject neverthelefs to fuch rules to be obferved in the application of the faid half-pay as in and by the aforefaid a<sup>ct</sup> were prefcribed in that behalf; now

is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty seven thousand two hundred twenty four pounds, and six shillings, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

Application of the surplus of last year's half-pay, to the compassionate list.

XXVII. And it is hereby likewise enacted, That out of the monies or savings arising from the money granted by parliament, for the relief and provision of the widows of officers, who have been killed or died in the service, there shall and may be issued and applied, by any warrant or warrants of his Majesty under his royal sign manual, any sum or sums of money, not exceeding six thousand thirty nine pounds, ten shillings, and eight pence, for defraying the charge of the off-reckonings, belonging to the late third and fourth troops of horse guards reduced, and allowances to private gentlemen of the said troops, on their retiring from the service, for the year one thousand seven hundred and forty nine.

6,039l. 10s. 8d. out of the allowance for the widows of officers, to defray the off-reckonings to the 3d and 4th troops of horse guards, reduced.

XXVIII. And be it further enacted by the authority aforesaid, That the bounties on the exportation of *British* and *Irish* coarse linens shall continue to be paid in the like manner, and under the like regulations as directed by the acts of the fifteenth and sixteenth, and of the eighteenth years of his Majesty's reign, from and after the twenty fifth day of *March*, one thousand seven hundred and fifty, for and during the further term of three years, and from thence to the end of the then next session of parliament and that the same be paid out of such part of the old subsidies, as is applicable to the payment of incidents, and that an account of such bounties, together with the quantity of *British* and *Irish* coarse linens intitled to the same respectively, be laid before the house of commons every session of parliament, in order to the replacing the same out of the next aids to be granted in parliament.

Bounties on the exportation of *British* and *Irish* linens continued for 3 years.

An account thereof to be laid before the parliament yearly.

Upon affidavit made of exchequer bills, tickets, certificates, receipts, annuity orders, &c. being lost, or otherwise destroyed, before 1 August, 1749, &c. the respective officers are to make out duplicates thereof, and to discharge the same. Commissioners of the treasury impowered to sign the duplicates. Exp.

### CAP. XLIII.

An act for the further enlarging the term and powers granted and continued by two acts of parliament, the one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the twelfth year of the reign of his late majesty King George the First, for repairing the roads from the city of Worcester, through the borough of Droitwich,

wich, to Dyers Bridge near Bromsgrove, in the county of Worcester, and also for repairing the roads from 'Dyer's Bridge' through the town of Bromsgrove to Spadesbourn Bridge, and from Droitwich to Bradley Brook, in the same county.

*The acts 12 Ann. and 12 Geo. 1. c. 20. continued for 21 years.*

## CAP. XLIV.

*An act to enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.*

**W**HEREAS there hath been and are divers officers, mariners, and soldiers who have served his Majesty in the late wars by sea or land, some of which, are men that used trades, others that were apprentices to trades who had not served out their times, and others, who by their own industry have made themselves apt and fit for trades: many of which, the wars being now ended, would willingly employ themselves in those trades which they were formerly accustomed to, or which they are apt or able to follow and make use of, for the getting their living by their own labour, but are or may be hindered from exercising those trades in certain cities and corporations, and other places within this kingdom, because of certain by-laws and customs of those places, and of the statute made in the fifth year of Queen Elizabeth, prohibiting the use of certain trades by any person who hath not served as an apprentice to such trade for the space of seven years: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such officers, mariners, and soldiers, who have been at any time employed in his Majesty's service since his accession to the throne, and have not since deserted the said service, may set up and exercise such trades as they are apt and able for in any town or place within the kingdoms of Great Britain, and Ireland, without any lett, suit, or molestation of any person or persons whatsoever, for or by reason of the using of such trade; and if any such officer or officers, mariner or mariners, soldier or soldiers, who shall be sued, impleaded, or indicted in any court whatsoever, within this kingdom, for using or exercising any such trades as aforesaid, then the said officer or officers, mariner or mariners, soldier or soldiers, making it appear to the same court, where they are so sued, impleaded, or indicted, that they have served the King's majesty as aforesaid, shall upon the general issue pleaded, be found not guilty in any plaint, bill, information, or indictment exhibited against them, and such persons who notwithstanding this act, shall prosecute their said suit by bill, plaint, information, or indictment, and shall have a verdict pass against them, or become nonsuit therein, or discontinue their said suit, such person or persons shall pay unto such officer or officers, mariner or mariners, soldier or soldiers, double costs of suit, to be recovered as any other costs at common law may be recovered; and all judges and jurors, before whom any such suit, in-

Officers, mariners, and soldiers empowered to exercise trades;

and being sued, may plead the general issue.

and have double costs.

formation, or indictment shall be brought, and all other persons whatsoever, are to take notice of this present act, and shall conform themselves thereunto, any statute, law, ordinance, custom, or provision to the contrary in any wise notwithstanding.

II. Provided always, That this act shall not in any wise be prejudicial to the privileges of the universities of *Cambridge* and the universities of *Oxford*, or either of them, or extend to give liberty to any person to set up the trade of a vintner, or to sell any wine or other liquors within the said universities, without licence first had and obtained from the vice chancellors of the same respectively.

## C A P. XLV.

*An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants, as shall serve for the time therein mentioned, on board such ships as shall be fitted out for the said fishery.*

WHEREAS divers acts of parliament have been made for the encouragement of his Majesty's subjects, to carry on and improve the whale fishery, and that the enlargement of the said fishery will be of great advantage to the trade and navigation of this kingdom: for the further encouragement to carry on the said trade, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of his present Majesty's reign, intituled, *An act for encouraging the Greenland fishery*; which was to be in force for nine years, from the twenty fifth day of *December*, one thousand seven hundred and thirty one; and which act was, by an act of parliament made in the thirteenth year of his present Majesty's reign, intituled, *An act for continuing the several laws therein mentioned, relating to the premiums, upon the importation of masts, yards, and bowsprits, tar, pitch, and turpentine; to British made sail cloth, and the duties payable on foreign sail cloth; to the Greenland and to the whale fishery; and for granting a further bounty for all ships employed in the whale fishery during the present war; for exempting harpooners and others employed in the Greenland fishery trade from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices*, continued unto the twenty fifth day of *December*, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the time in the said last-mentioned act mentioned, and therein limited for the expiration thereof, unto the twenty fifth day of *December*, which shall be in the year one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

further continued unto  
25 December,  
1757.

II. And be it further enacted by the authority aforesaid, That

Act 6 Geo. 2.  
c. 33. further  
continued to  
25 December,  
1757.

Further contin-  
ued by 27  
Geo. 2. c. 38.

an act made in the sixth year of his Majesty's reign, intituled, *An act for the further encouragement of the whale fishery, carried on by his Majesty's British subjects*; which was to be in force during the continuance of the last-mentioned act of the fifth year of his Majesty's reign, intituled, *An act for encouraging the Greenland fishery*; and which was, by the said act of the thirteenth year of his present Majesty, continued unto the said twenty fifth day of *December*, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby continued, from the time therein limited for the expiration thereof, unto the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

Commissioners  
of the customs  
upon certifi-  
cate, &c. from  
the collector,  
to pay the se-  
cond 20s. ton-  
nage bounties  
granted by  
parliament.

III. And be it further enacted by the authority aforesaid, That over and above the allowance of twenty shillings a ton, according to the admeasurement of the ship, by the said last-mentioned act directed to be paid, it shall and may be lawful for the respective commissioners of the customs in *Great Britain*, from the twenty ninth day of *September*, one thousand seven hundred and forty nine, and until the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, (upon having such schedule, certificate, licence, and oath transmitted to them by the collector and comptroller of the port from whence such ship shall depart, as by the said last-mentioned act is directed, and upon such commissioners being satisfied of the faithful dealings of the master and other persons employed in such ship, with respect to such voyage and fishery) on demand, to cause payment to be made to the master or owners, or to his or their assigns by the receiver general of the customs in that part of *Great Britain* from whence such ship shall depart, of the sum of twenty shillings a ton, according to the admeasurement of the ship, over and above the sum of twenty shillings a ton, by the last-mentioned act granted for the encouragement of the whale fishery in the *Greenland Seas*, or *Davis's Streights*, and the adjacent seas, carried on by his Majesty's *British* subjects, in such manner, and at such time or times, as the said allowance of twenty shillings a ton by the said last-mentioned act, made in the sixth year of his present Majesty's reign, intituled, *An act for the further encouragement of the whale fishery carried on by his Majesty's British subjects*, is directed to be paid.

6 Geo. 2. c. 33.

IV. And whereas the dispatch of ships to the *Greenland Seas*, *Davis's Streights*, and seas adjacent, on the whale fishery, must of necessity be within the months of *March* or *April*, and some *British* ships for the sake of keeping the men that have been taught the art of the said fishery in employ, and to prevent their going into foreign service, may have been fitted out from the river of *Thames*, or other parts of his Majesty's *British* dominions, and proceeded on the said whale fishery to the *Greenland Seas*, or *Davis's Streights*, and seas adjacent,

*adjacent, ſince the commencement of this ſeſſion of parliament, and it will therefore be but juſt and reaſonable, that the bounties intended to be given on the return of ſhips hereafter to be fitted out on ſuch voyage ſhould be given alſo to the owners of ſuch ſhips already ſailed upon ſuch voyage, and not yet returned;* be it therefore enacted by the au-

*Ships that have already ſailed intituled to the ſaid bounty.*

thority aforeſaid, That every owner or owners of any ſhip or ſhips already ſailed on the ſaid voyage and fiſhery reſpectively, who have conformed themſelves in all reſpects to the rules and directions preſcribed by the ſaid laſt-mentioned act of the ſixth year of his preſent Maſteſty, ſuch owner and owners ſhall, and they are hereby declared to be intituled to, and the receiver general of the cuſtoms, in that part of *Great Britain* whence the ſhip departed, is hereby impowered and required to pay the ſaid reſpective ſums of twenty ſhillings, and twenty ſhillings *per ton* according to the admeaſurement of ſuch ſhip or ſhips reſpectively.

V. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty ninth day of *September*, one thouſand-ſeven hundred and forty nine, every ſhip built or fitted out in any of his Maſteſty's dominions in *America*, of two hundred tons and upwards, and not being more than two years old from the firſt building thereof, that proceeds from any port in his Maſteſty's *American* dominions on the ſaid whale fiſhery, manned and navigated as by the laws now in force is directed, which ſhall before ſhe proceed on ſuch voyage, be viſited by the proper officer or officers of the cuſtoms belonging to ſuch port, who ſhall take an account of the tonnage thereof, in ſuch manner as is directed by the ſaid laſt mentioned act concerning *British* ſhips who ſhould be intituled to the benefits of the ſaid act, and ſhall certify ſuch his or their viſitation, examination, and admeaſurement, to the governor or commander in chief of the place where ſuch ſhip ſhall be fitted out, or to the naval officer of ſuch port; and if it appear by the ſaid certificate of ſuch officer or officers, that ſhe had, at the time of giving ſuch certificate, on board ſuch a number of men, proviſions, boats, fiſhing lines, and inſtruments to be uſed in ſuch fiſhery, as is required by the ſaid laſt mentioned act of *British* ſhips which ſhould be intituled to the benefit of the ſaid act, and that ſhe is a ſhip ſtrongly built, and otherwiſe a ſhip proper for ſuch voyage and fiſhery, and had, at the time of granting the ſaid certificate, on board among her crew ſuch a number of harpooneers, ſteerſmen, and line-managers, who had before been employed in ſuch voyages (the names of ſuch perſons to be contained in ſuch certificate) according to the directions of the ſaid laſt mentioned act concerning *British* ſhips to be employed in the ſaid fiſhery; and if the owner or owners, and maſter or chief officer of ſuch ſhip ſhall, in writing, at the foot of ſuch certificate, make ſuch oath before the governor, commander in chief, or naval officer (who are hereby impowered and required to adminiſter ſuch oath) as is required by the ſaid laſt mentioned act of the owner or owners, and maſter or chief officer of ſuch *British* ſhip as aforeſaid, and likewiſe that ſuch ſhip is not more

*Veſſels fitted out in America, to be licenſed to proceed on the whale fiſhery.*

than



than two years old from the firſt building thereof; and if the maſter ſhall likewise, after ſuch certificate had, and oath made, become bound with ſuch ſureties, in ſuch penalty and condition as is mentioned in, and required by the ſaid laſt mentioned act to be given by the maſters of ſuch *British* ſhips as aforeſaid, which ſaid bond is required to be taken by the governor or commander in chief, or naval officer of ſuch place from whence the ſaid ſhip is ſo fitted out; then, and in all ſuch caſes, it ſhall and may be lawful for the ſaid governor, or commander in chief; or naval officer, and they are hereby required to give and grant to the maſter and owners of ſuch ſhip full licence and authority to proceed on ſuch voyage.

On arrival of ſuch veſſels in Great Britain, the proper officers to grant certificates,

VI. And be it further enacted by the authority aforeſaid, That on the arrival of ſuch ſhip at the port in *Great Britain*, to which the ſaid maſter and mate declared on oath they intended to proceed after their intended voyage to the *Greenland Seas*, or to *Davis's Streights*, or to the ſeas adjacent, or on their arrival at ſome other port of *Great Britain* where they ſhall unload, the proper officers of the cuſtoms of ſuch port ſhall proceed in ſuch manner, and make ſuch ſchedule, as is directed by the ſaid laſt-mentioned act concerning *British* ſhips who were to be intitled to the benefits of the ſaid act; and ſuch ſchedule, certificate, licence, and oath ſhall be transmitted to the reſpective commiſſioners of his Maſteſty's cuſtoms for that part of *Great Britain* in which ſuch ſhip ſhall arrive after her ſaid voyage to the *Greenland Seas*, or *Davis's Streights*, or the ſeas adjoining; and ſuch commiſſioners being ſatisfied of the faithful dealings of the maſter and other perſons employed in ſuch ſhips, with reſpect to ſuch voyage and fiſhery, ſhall, on demand, cauſe payment to be made to the maſter or owners, or to his or their aſſigns, by the receiver general of the cuſtoms of that part of *Great Britain* at which the ſaid ſhip ſhall arrive as aforeſaid, of the ſum of twenty ſhillings, and twenty ſhillings *per* ton, according to the admeaſurement of ſuch ſhip duly certified as aforeſaid, in like manner as to the owners and maſters of *British* ſhips who are intitled to the ſaid bounties by virtue of the ſaid laſt-mentioned, or by this act of parliament.

and the bounties to be paid.

Regulations to be obſerved by ſhips fitted out for the whale fiſhery.

VII. And be it enacted by the authority aforeſaid, That all ſhips that ſhall be fitted out for the whale fiſhery in *America*, after having conformed to all the rules and reſtrictions of an act made in the ſixth year of his preſent Maſteſty's reign, intituled, *An act for the further encouragement of the whale fiſhery*, ſhall ſail from ſuch port where ſurveyed directly on her intended fiſhery, on or before the firſt day of *May*, and ſhall not depart or leave *Davis's Streights* or *Greenland*, and ſeas adjacent, before the twentieth day of *Auguſt*, unleſs they have ſuch ſucceſs as to fill all or ſo many caſks with blubber, which ſhall amount to not leſs than two hundred hogſheads, for a ſhip of three hundred tons, and ſo in proportion for a ſhip of two hundred tons and upwards, or ſhould meet with any unavoidable accident, ſo as to endanger the lives of the ſhip's crew, which accident ſhall be declared

on

on the oaths of the maſter, mate, carpenter, harpooneers, line-managers, boat-ſteerers, and ſurgeon belonging to ſuch ſhip, or ſuch of them as ſhall be living at the time of their arrival in port, to the ſatisfaction of the commiſſioners of his Maſteſty's cuſtoms in the port of *London* or *Edinburgh* reſpectively; and in caſe of any irregular proceeding contrary hereunto, every ſhip ſo offending ſhall loſe the benefit of this bounty.

VIII. And be it further enacted by the authority aforeſaid, for the encouragement of ſuch foreign proteſtants as ſhall be willing to ſerve on board the ſhips which ſhall be fitted out by his Maſteſty's ſubjects to be employed in the ſaid fiſhery, That every perſon born out of the allegiance of his Maſteſty, his heirs and ſucceſſors, being a proteſtant, who ſhall ſerve during the ſpace of three years, on board any ſhip which ſhall be ſo fitted out, as is directed by the ſaid act of the ſixth year of his preſent Maſteſty's reign herein before mentioned, or by this act, and which ſhall be employed in ſuch fiſhery as aforeſaid, and which perſon ſhall take and ſubſcribe the oaths, and make, repeat, and ſubſcribe the declaration appointed by an act made in the firſt year of the reign of his late maſteſty King *George the Firſt*, intituled, *An act for the further ſecurity of his Maſteſty's perſon and government, and the ſucceſſion of the crown in the heirs of the late princeſs ſophia, being proteſtants; and for extinguishing the hopes of the pretended prince of Wales*; which ſaid oaths ſhall be taken and ſubſcribed, and declaration made, repeated, and ſubſcribed in the courts of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, in term time in *England*, or in any of them, in open court, or before the lords of the council and ſeſſion, or lords juſtiſiary, or barons of the *Exchequer* in *Scotland*, or at ſome general quarter ſeſſions of the peace, to be held for the county where ſuch perſon does or ſhall inhabit, reſide, or ſettle, between the hours of nine and twelve in the forenoon, the taking and ſubſcribing of which oaths, and the making and repeating, and ſubſcribing ſuch declaration, ſhall be entered on record in the ſame courts, for the doing whereof, only one ſhilling ſhall be paid; every ſuch perſon and perſons ſhall be deemed, adjudged, and taken to be his Maſteſty's natural-born ſubject and ſubjects of this kingdom, to all intents, conſtructions, and purpoſes, as if he and they had been, and were born in this kingdom.

IX. Provided always, and be it enacted by the authority aforeſaid, That no perſon ſhall be naturalized by virtue of this act, unleſs ſuch perſon ſhall have received the ſacrament of the Lord's ſupper in ſome proteſtant or reformed congregation in his Maſteſty's dominions, within three months next before his taking ſuch oaths, and making and ſubſcribing ſuch declaration, and ſhall, at the time of his taking ſuch oaths, and making and ſubſcribing ſuch declaration, produce a certificate ſigned by the perſon adminiſtering the ſaid ſacrament, and atteſted by two credible witneſſes, whereof an entry ſhall be made in the court where ſuch oaths ſhall be taken, without any fee or reward, and ſhall alſo produce a certificate at the ſame time, under the hands

Foreign proteſtants ſerving 3 years on board Engliſh ſhips employed in the whale fiſhery, and qualifying themſelves, to be deemed natural born ſubjects.

Perſons that ſhall be naturalized by this act, to take the ſacrament in ſome proteſtant church.

of the owner and master of the ship or vessel in which he or they shall have so served, of his or their integrity and good behaviour during the whole time of such service.

Such persons  
are excluded  
from certain  
offices, &c.

X. Provided always, and be it further enacted, That no person who shall become a natural-born subject of this kingdom by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having, or enjoying any office or place within the kingdoms of *Great Britain* or *Ireland*, either civil or military, or taking any grant to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms of *Great Britain* or *Ireland*; any thing herein before contained to the contrary thereof in any wise notwithstanding.

None to be natu-  
ralized by  
this act, who  
are excluded  
by 4 Geo. 2.  
c. 21.

XI. Provided also, and it is hereby enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to naturalize any person or persons whatsoever, who, by virtue of an act made in the fourth year of his Majesty's reign, (intituled, *An act to explain a clause in an act made in the seventh year of the reign of her late majesty Queen Anne, for naturalizing foreign protestants, which relates to the children of natural-born subjects of the crown of England, or of Great Britain*) are declared and enacted not to be intitled to the benefit of the said act of the seventh year of her said late Majesty's reign, but that all such persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have done if this act had never been made; any thing in this act contained to the contrary in any wise notwithstanding.

Persons natu-  
ralized, going  
out of his Ma-  
jesty's domi-  
nions for more  
than 1 year, to  
lose the bene-  
fit.

XII. Provided always, and be it enacted by the authority aforesaid, That if any person so naturalized by virtue of this act, shall go out of his Majesty's dominions in *Great Britain* or *Ireland*, or any of his Majesty's plantations in *America*, for more than the space of twelve months, at any one time, such person shall lose the benefit of this act, to all intents and purposes whatsoever.

## C A P. XLVI.

*An act to continue several laws for preventing exactions of the occupiers of locks and weirs upon the river Thames westward, and for ascertaining the rates of water carriage upon the said river; and for continuing, explaining, and amending the several laws for the better regulation of attornies and solicitors; and for regulating the price and assize of bread; and for preventing the spreading of the distemper amongst the horned cattle; and also for making further regulations with respect to attornies and solicitors; and for further preventing the spreading of the distemper amongst the horned cattle; and for the more frequent return of writs in the counties palatine of Chester and Lan-*

*castre.*

caſter; and for aſcertaining the method of levying writs of execution againſt the inhabitants of hundreds; and for allowing Quakers to make affirmation in caſes where an oath is or ſhall be required.

WHEREAS the laws herein after mentioned (which have by experience been found uſeful and beneficial) are near expiring; may it therefore pleaſe your Maſteſty, that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the third year of the reign of his preſent Maſteſty, intituled, *An act for reviving and amending an act made in the ſixth and ſeventh years of the reign of his late maſteſty King William the Third, intituled, An act to prevent exactions of the owners of locks and wears upon the river of Thames weſtward, and for aſcertaining the rates of water carriage upon the ſaid river; which was to continue in force from the firſt day of May, one thouſand ſeven hundred and thirty, for the term of nine years, and from thence to the end of the then next ſeſſion of parliament; and which by another act made in the thirteenth year of the reign of his preſent Maſteſty, for continuing ſeveral laws therein mentioned, was further continued from the expiration thereof, until the firſt day of June, in the year of our Lord one thouſand ſeven hundred and forty ſeven; and which by another act made in the twentieth year of the reign of his preſent Maſteſty, for continuing ſeveral laws therein mentioned, was further continued till the firſt day of June, one thouſand ſeven hundred and forty nine, ſhall be, and the ſame is hereby further continued from the expiration thereof, till the firſt day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and fifty.*

3 Geo. 2. c.  
11. continued  
to 1 June, 1750.  
E X P.  
See 24 Geo. 2.  
c. 8.

II. And be it further enacted by the authority aforeſaid, That an act made in the ſecond year of the reign of his preſent Maſteſty, intituled, *An act for the better regulation of attornies and ſolicitors*, which was to be in force from the firſt day of June, one thouſand ſeven hundred and twenty nine, for the term of nine years, and from thence to the end of the then next ſeſſion of parliament; and which by an act made in the twelfth year of his preſent Maſteſty, for continuing ſeveral laws therein mentioned, was explained and amended, and further continued until the twenty fourth day of June, one thouſand ſeven hundred and forty eight, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby, together with the alterations and amendmets made by the ſaid act of the twelfth year of his preſent Maſteſty, and thoſe herein after-mentioned, further continued, from the expiration thereof, until the twenty fourth day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and fifty ſeven, and from thence to the end of the then next ſeſſion of parliament.

2 Geo. 2. c. 23.  
continued to  
24 June, 1757.

III. And for the better preventing unqualified perſons from being

Persons bound to serve as clerks to attorneys, to cause affidavit to be made within three months of the execution of such contracts, &c.

Affidavit to be filed.

None to be admitted before such affidavit be produced.

Officers who are to file such affidavits.

Book to be kept for entering the names and places of abode of every such attorney, and clerk, &c.

being admitted attorneys and solicitors, and for rendering the said act more effectual for the purposes thereby intended, be it enacted by the authority aforesaid, That every person who, from and after the first day of *July*, one thousand seven hundred and forty nine, be bound by contract in writing to serve as a clerk to any attorney or solicitor, as by the said act is directed, shall, within three months next after the date of every such contract, cause an affidavit to be made and duly sworn of the actual execution of every such contract, by every such attorney or solicitor, and the person so to be bound to serve as a clerk, aforesaid; and in every such affidavit shall be specified the names of every such attorney and solicitor, and of every such person so bound, and their places of abode respectively, together with the day of the date of such contract; and every such affidavit shall be filed within the time aforesaid, in the court where the attorney or solicitor to whom every such person respectively shall be bound as aforesaid, hath been inrolled as an attorney or solicitor, with the respective officer or officers, or his or their respective deputy or deputies, in the respective courts herein after-mentioned, who shall make and sign a memorandum or mark of the day of filing every such affidavit at the back or at the bottom thereof.

IV. And be it further enacted, That no person who shall, after the said first day of *July*, become bound as aforesaid, shall be admitted or inrolled an attorney or solicitor in any court in the said act mentioned, before such affidavit, so marked by the proper officer as aforesaid, shall be produced and openly read in such court, where such person shall be admitted and inrolled an attorney or solicitor.

V. And it is hereby enacted and declared, That the several persons following shall be deemed and taken to be the proper officers for filing such affidavits in the respective courts herein after-mentioned (that is to say) in the high court of *Chancery*, the senior clerk of the petty bag office, or his deputy; in the court of *King's Bench*, the chief clerk of that court, or his deputy; in the court of *Common Pleas*, the clerk of the warrants of that court, or his deputy; in the court of *Exchequer*, the King's remembrancer of that court, or his deputy; in the court of the dutchy chamber of *Lancaster* at *Westminster*, the chief clerk of that court, or his deputy; and in the several counties palatine of *Chester*, *Lancaster*, and *Durham*, the respective prothonotaries of the said counties palatine, and their respective deputies; and in the several courts of the great sessions of *Wales*, the respective prothonotaries of the said courts, and their respective deputies.

VI. And be it further enacted, That every such officer or officers, or their respective deputy or deputies, filing such affidavit as aforesaid, shall keep a book, wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every such attorney or solicitor, and clerk or person bound as aforesaid, and of the person making such affidavit, with the day

Of the articles or contract in fuch affidavit to be mentioned, and the days of fwearing and filing every fuch affidavit refpectively; and every fuch officer or officers, or his or their deputy or deputies, fhall be at liberty to take, at the time of filing every fuch affidavit, the fum of two fhillings and fix pence, and no more, as a recompence for his trouble in filing fuch affidavits, and preparing and keeping fuch books as aforefaid, and which faid books fhall and may be fearched in office hours, by any perfon or perfons whatfoever, without fee or reward.

Fees for filing the affidavits.

VII. And be it further enacted, That from and after the faid firft day of July, no attorney or folicitor fhall take, have, or retain any clerk, who fhall become bound by contract in writing as aforefaid, after fuch attorney or folicitor fhall have difcontinued or left off, or during fuch time as he fhall not actually praftife as, or carry on the bufinefs of an attorney or folicitor.

No attorney to take, &c. a clerk, after difcontinuing bufinefs.

VIII. And be it further enacted, That every perfon who fhall, from and after the faid firft day of July, become bound, by contract in writings, to ferve any attorney or folicitor, as by the faid act is directed, fhall, during the whole time and term of fervice, to be fpecified in fuch contract, continue and be actually employed by fuch attorney or folicitor, or his or their agent or agents, in the proper bufinefs, praftice, or employment of an attorney or folicitor.

Clerks to be employed in their proper bufinefs during the time of their contract.

IX. Provided always, and it is hereby enacted, If any fuch attorney or folicitor, to or with whom any fuch perfon fhall be fo bound, fhall happen to die before the expiration of fuch term, or fhall difcontinue or leave off fuch his praftice as aforefaid, or if fuch contract fhall by mutual confent of the parties be cancelled, or in cafe fuch clerk fhall be legally difcharged by any rule or order of the court, wherein fuch attorney or folicitor fhall praftife, before the expiration of fuch term, and fuch clerk fhall in any of the faid cafes be bound by another contract, or other contracts, in writing to ferve, and fhall accordingly ferve in manner herein before-mentioned, as clerk to any other fuch praftifing attorney or attorneys, folicitor or folicitors as aforefaid refpectively, during the refidue of the faid term of five years, then fuch fervice fhall be deemed and taken to be as good, effectual, and available, as if fuch clerk had continued to ferve as a clerk for the faid term, to the fame perfon to whom he was originally bound, fo as an affidavit be duly made and filed of the execution of fuch fecond or other contract or contracts, with in the time, and in like manner, as is before directed concerning fuch original contract.

Affidavit of the execution of fecond contracts by fuch clerks, the fervice of 5 years to be deemed effectual.

X. And be it further enacted, That every perfon who, from and after the faid firft day of July, fhall become bound as a clerk as aforefaid, fhall, before he be admitted an attorney or folicitor according to the faid act, caufe an affidavit of himfelf, or fuch attorney or folicitor, to whom he was bound as aforefaid, to be duly made and filed with the proper officer herein before for that purpofe appointed, that he hath actually and really ferved and been employed by fuch praftifing attorney or attorneys, folicitor

Clerks, before admitted, to make affidavit of having ferved 5 years.

solicitor or solicitors, to whom he was bound as aforesaid, or his or their agent or agents, during the said whole term of five years, according to the true intent and meaning of this act.

XI. *And whereas divers persons who are not examined, sworn, or admitted to act as attorneys or solicitors in any court of law or equity, do, in conjunction with, or by the assistance or connivance of certain sworn attorneys and solicitors, and by various sutable contrivances, intrude themselves into, and act and practise in the office and business of attorneys and solicitors, to the great prejudice and loss of many of his Majesty's subjects, and the scandal of the profession of the law;*

Sworn attorneys acting as agents for persons not qualified, &c.

be it therefore enacted, That from and after the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and forty nine, if any sworn attorney or solicitor shall act as agent for any person or persons, not duly qualified to act as an attorney or solicitor as aforesaid, or permit or suffer his name to be any ways made use of upon the account, or for the profit of any unqualified person or persons, or send any process to such unqualified person or persons, thereby to enable him or them to appear, act, or practise in any respect as an attorney or solicitor, knowing him not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to the court from whence any such process did issue, and proof made thereof, upon oath, to the satisfaction of the court, that such sworn attorney or solicitor hath offended therein as aforesaid, then, and in such case, every such attorney or solicitor so offending, shall be struck off the roll, and for ever after disabled from practising as an attorney or solicitor; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said court to commit such unqualified person, so acting or practising as aforesaid, to the prison of the said court, for any time not exceeding one year.

to be struck off the roll,

and to be committed.

XII. *And whereas frequent delays, inconveniencies, and unnecessary expences arise and happen, as well to parties as private persons, by the mismanagement and unskilfulness of persons employed as solicitors or agents at the sessions held for the several counties, ridings, divisions, cities, towns corporate, and other places of this kingdom, who having never been regularly bred to the law, and being ignorant of the forms and operations thereof, offenders against the laws of the land have frequently escaped with impunity: for remedying therefore of these inconveniencies, be it enacted by the authority aforesaid, That from and after the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and forty nine, no person whatsoever shall act as a solicitor, attorney or agent, or sue out any process, at any general or quarter sessions of the peace for any county, riding, division, city, town corporate, or other place within this kingdom, either with respect to matters of a criminal or civil nature, unless such person shall have been heretofore admitted an attorney of one of his Majesty's courts of record at Westminster, and duly inrolled pursuant to an act made in the second year of his*

None to act as attorneys who were not admitted according to 2 Geo. 2. c. 23.

prelud

present Majesty's reign, (intituled, *An act for the better regulation of attornies and sollicitors*) or unless such person shall hereafter be admitted an attorney, and inrolled as aforesaid by virtue of this, or such other law as shall be then in being, and unless such person shall continue so entered upon the roll, at the time of such his acting in the capacity aforesaid; but all and every person or persons respectively, who shall so act, not being admitted and inrolled as aforesaid, shall be subject and liable to a penalty of fifty pounds, to be recovered by action of debt, bill, plaint, or information, in any of the courts of record at *Westminster*, by any person or persons who shall sue for the same, within twelve months after the offence committed, with treble costs of suit; and if any attorney or attornies shall permit and suffer any person or persons whatsoever, not being admitted and inrolled as aforesaid, to make use of his or their name or names respectively, in the courts of general or quarter sessions aforesaid, such attorney or attornies respectively shall be subject and liable to a like penalty of fifty pounds, to be recovered in manner aforesaid.

Penalty 50 l.

with treble costs.

Attornies suffering persons not admitted to use their names, to forfeit 50 l.  
See 23 Geo. 2. c. 26.

XIII. Provided always, That nothing herein contained shall extend, or be construed to extend, to deprive the attornies of the duchy of *Lancaster*, or of the courts of great sessions, in *Wales*, or of the counties palatine of *Chester*, *Lancaster*, and *Durham*, from acting within their respective jurisdictions.

Persons exempted.

XIV. And, to the end that justice may be impartially administered in the several general or quarter sessions of this kingdom, be it further enacted by the authority aforesaid, That no clerk of the peace, or his deputy, nor any under sheriff, or his deputy, shall, from and after the said twenty ninth day of *September*, act as a solicitor, attorney, or agent, or sue out any process, at any general or quarter sessions of the peace to be held for such county, riding, division, city, town corporate, or other place within this kingdom, where he shall execute the office of clerk of the peace, or deputy clerk of the peace, under sheriff, or deputy, on any pretence whatsoever; but if any clerk of the peace, or his deputy, or any under sheriff, or his deputy, shall presume to act as a solicitor, attorney, or agent as aforesaid, such clerk of the peace, or his deputy, under sheriff, or his deputy respectively, shall be subject and liable to a like penalty of fifty pounds, to be recovered in manner aforesaid.

No clerk of the peace, under sheriff, &c. to act as attornies, &c. at quarter sessions for the county, &c.

Penalty 50 l.

XV. And whereas several persons have been bound by articles in writing to attornies of one of his Majesty's courts at *Westminster*, to serve them as their clerks for the term of five years, which attornies have died before the expiration of the said five years, and after their deaths such persons so bound have served the remainder of the said term with some other attornies of the said courts, but have neglected to enter into articles with the said other attornies for the remainder of the term of five years, and therefore doubts have arisen, whether such persons could be admitted attornies of any of his Majesty's courts, by reason that such service was not strictly in pursuance of the direction of the before-mentioned act; be it therefore enacted

and



Clerks, whose masters have died, serving the residue of their times without fresh contracts, to be admitted.

and declared by the authority aforesaid, That all such persons who shall have been so bound as aforesaid for the term of five years to attornies of any of his Majesty's courts at *Westminster*, which said attornies shall have died before the determination of the said term, if such persons shall afterwards, and before the twenty fifth day of *March*, one thousand seven hundred and forty nine, have served the residue of the said term of five years, with some other attornies of one of his Majesty's said courts, though without entering into any new articles, such persons having so served during the said term of five years, shall and may be admitted attornies in any of his Majesty's courts at *Westminster*; any thing in the said act, or in this present act, contained to the contrary in any wise notwithstanding.

Persons admitted sworn clerks in the office of the six clerks, or bound for five years, &c.

XVI. And be it further enacted by the authority aforesaid, That any person who shall have been admitted a sworn clerk in the office of the six clerks of the court of *Chancery*, or shall have been bound by contract in writing, to serve as a clerk for and during the space of five years, to a sworn clerk in the said office, and for and during the said term of five years shall have continued in such service, or shall have continued in such service for the space of three years, or more, and shall have been admitted a waiting clerk, and acted as such during the residue of the said term of five years, may be examined, sworn, and admitted and inrolled as a solicitor, in the same manner as solicitors in courts of equity are by the said act required to be examined, sworn, admitted, and inrolled; any thing in the said act to the contrary notwithstanding.

may be admitted solicitors

Clerks, whose masters have died, &c. entering into fresh contracts, and serving the residue of their time, the same to be effectual.

XVII. Provided also, and it is hereby further enacted, That if any sworn clerk in the said six clerks office, with and to whom any person hath been, or shall be bound by contract in writing as aforesaid, to serve as a clerk for the term of five years, shall happen to die before the expiration of the said term of five years, or if such contract shall, by mutual consent of the parties, be vacated, or in case such clerk be legally discharged by any rule or order of the said court of *Chancery*, before the expiration of the said term of five years; then, and in any of the said cases, if such clerk shall by contract in writing be obliged to serve, and shall accordingly serve as a clerk to any other sworn clerk in the said six clerks office, or to any solicitor who shall be sworn, admitted, and inrolled, pursuant to the said act of the second year of his present Majesty, during the residue of the said term of five years, then such service shall be deemed and taken to be as good and effectual as if such clerk had continued to serve as a clerk for the term of five years to the same person to whom he was originally bound by contract in writing as aforesaid.

No sworn clerk to have more than two clerks.

XVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That no sworn clerk in the said six clerks office shall have more than two clerks at one and the same time, including the clerk who shall be entered on the roll kept by the master of the rolls, or his secretary for that purpose.

XIX. Provided also, and it is hereby further declared and enacted by the authority aforesaid, That nothing in this act con- Persons ex-  
 sidered shall extend or be construed to extend to the taking or emptied.  
 binding, examination, swearing, admission, or inrollment of the  
 attornies, or clerks of the offices of the King's remembrancer,  
 treasurer, remembrancer, pipe, or office of pleas, in the court  
 of *Exchequer at Westminster* for the time being, but that the said  
 attornies, and clerks of the said respective offices shall and may  
 be taken, bound, approved, sworn, admitted, and practise in  
 the said court of *Exchequer*, in like manner as they usually have  
 been, and might have done before the making of this act, and  
 may practise in any other of the courts of record before-men-  
 tioned, in the name, and with the consent of some sworn at-  
 torney of such court, such consent being in writing, and signed  
 by such attorney as aforesaid, in the manner as they have usually  
 been and might have done before the making of this act; any  
 thing herein contained to the contrary notwithstanding.

XX. And be it further enacted by the authority aforesaid,  
 That an act made in the eighth year of the reign of her late  
 majesty Queen *Anne*, intituled, *An act to regulate the price and* 8 Annæ, c. 18.  
*affize of bread*; which was to be in force for three years, and  
 from thence to the end of the then next session of parliament,  
 and by an act made in the first year of the reign of his late ma-  
 jesty King *George*, for continuing several laws therein mention- 1 Geo. 1. c. 26.  
 ed, was explained, amended, and continued for the further term  
 of three years, and from thence to the end of the then next ses-  
 sion of parliament, which said act and alterations had further  
 continuance by several subsequent acts, and was by an act made  
 in the said twelfth year of the reign of his present Majesty ex- 12 Geo. 2.  
 plained and amended, and further continued from the expira- c. 13.  
 tion thereof, to the twenty fourth day of *June*, in the year  
 of our Lord one thousand seven hundred and forty eight, and  
 from thence to the end of the then next session of parliament,  
 shall be, and the same is hereby, together with the alterations  
 and amendments herein after-mentioned, further continued from continued to  
 the expiration thereof, until the twenty fourth day of *June*, 24 June, 1757.  
 which shall be in the year of our Lord one thousand seven hun-  
 dred and fifty seven, and from thence to the end of the then  
 next session of parliament.

XXI. And whereas it is often very difficult for the magistrate or  
 justice or justices of the peace before whom bread is complained of, to  
 know under what denomination the bread ought to be weighed, pur-  
 suant to the directions of the said acts of the eighth of Queen *Anne*,  
 and first of his late Majesty; be it enacted by the authority afore-  
 said, That every common baker, and every person who shall Bakers to im-  
 make or bake for sale, or any ways expose to sale, any sort of print on every  
 bread whatsoever, shall, from and after the first day of *August*, loaf a certain  
 which shall be in the year of our Lord one thousand seven hun- letter,  
 dred and forty nine, fairly imprint or mark or cause to be im-  
 printed or marked, on every loaf so by him made or exposed to  
 sale, the letters herein after mentioned (that is to say) upon  
 every

under penalty  
of 20s.

every loaf exposed to sale as white bread, a large Roman W. and upon every loaf exposed to sale as wheaten bread, a large Roman W. H. and upon every loaf exposed to sale as round bread, a large Roman H. and every person selling, or exposing to sale, not marked as aforesaid, shall forfeit and pay the sum of twenty shillings to the informer, the said forfeiture to be adjudged, levied, and recovered, in such manner as the penalties laid upon persons selling or exposing to sale any bread deficient in weight, are by the said act of the first of his said late Majesty's reign to be adjudged, levied, and recovered.

Limitation of  
this regula-  
tion.

XXII. Provided always, That nothing in this act shall extend, or be construed to extend, to any sort of bread, but what is mentioned in the said acts of the eighth of Queen Anne, and the first of his late Majesty.

19 Geo. 2.  
c. 5.

XXIII. And be it further enacted by the authority aforesaid, That an act made in the nineteenth year of the reign of his present Majesty, intituled, *An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom*, which was to continue and be in force for the space of eight months, and to the end of the then next session of parliament; and which by an act made in the twentieth year of the reign of his present Majesty, was explained, amended, and continued, and to be in force with the said last-mentioned act, for the space of eight months, from the tenth day of *January*, one thousand seven hundred and forty six, and from thence to the end of the then next session of parliament; and which said acts, by an act made in the twenty first year of the reign of his present Majesty, for continuing several laws therein mentioned, were further continued, from the expiration thereof, until the twenty fourth day of *September*, one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament;

10 Geo. 2.  
c. 4.

21 Geo. 2.  
c. 33.

continued to  
24 Sept. 1749.

Farther conti-  
nued by

27 Geo. 2.  
c. 14.

shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of *September*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament.

Tanner to  
give notice to  
the excise of-  
ficer before he  
brings any  
raw hides, &c.  
into his tan  
yard, &c.

XXIV. And whereas it is apprehended, that the distemper which still rages amongst the horned cattle, has been greatly spread and increased by tanners and others buying the hides and skins of infected beasts, and carrying the same secretly to their tan-yards: Wherefore for preventing the same for the future, be it enacted by the authority aforesaid, That every tanner, tawer, or dresser of hides or skins shall, before he brings any raw hide or skin of any bull, ox, cow, calf, steer, or heifer, into his tan-yard, workhouse, warehouse, or place used for dressing or manufacturing of hides, or skins, give notice to the officer of excise of the district in which such tan-yard or dressing-place is situated, and whose survey the said tanner, tawer, or dresser of hides shall be under and subject to for the time being, and produce to the said officer a certificate, under the hand and seal, or hands and seals, of one or more justice or justices of the peace, or commissioner or commission-

of the land tax, specifying the colour of such hide or skin, and name and place of abode of the owner of such hide or skin, and that upon examination on oath of one or more credible person or persons, it appeared to the person or persons signing and sealing such certificate, that the beast from which such hide or skin was taken was found, and free from any infection; which certificate shall by the said officer be entered into a book to be kept for that purpose; and if any tanner, tawer, or dresser of hides or skins, shall bring or suffer to be brought into his tan-yard or tan-pits, or other place used for dressing or manufacturing hides or skins, any such raw hide or skin, or shall tan or dress, or manufacture any such raw hide or skin, without giving such notice, and producing such certificate as aforesaid, every person so offending shall, for every such offence, forfeit the sum of ten pounds, to be recovered, levied, and applied, as the several forfeitures are by the said act of the nineteenth year of his present Majesty's reign, to be recovered, levied, and applied. Penalty of 10.

XXV. And it is hereby further enacted, That all and every officer or any of the officers of excise, acting and employed in any district wherein any tan-yard, workhouse, or warehouse, or place for dressing or manufacturing of hides or skins is situate and being, shall and may, at all times, by day or by night (and if in the night, then in the presence of a constable, or other lawful officer of the peace) be permitted, upon his or their request, to enter into any such tan-yard, workhouse, warehouse, or place, in order to search for hides and skins suspected to be brought and conveyed into the same respectively, contrary to, and against the tenor and true meaning of this act, and then and there to search and examine, or cause to be searched or examined, any tan pit, fat, or other place, where any such hide or skin is suspected to be laid, hid, put, or concealed; and if any tanner, tawer, or other person or persons whatsoever shall obstruct or hinder any such officer or officers in the execution of his or their duty, power, or authority given to, vested in, and required of him and them respectively by this act, every person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered, applied, and disposed of in manner afore-mentioned. Officers empowered to enter tan-yards, &c. to search for hides brought in contrary to this act, &c.

XXVI. And whereas it is necessary to encourage and promote the breeding of cattle, the number being greatly decreased by the said mortality; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by advice of his privy council, to prohibit and forbid the killing or slaughtering of cow calves; in such counties and places, and in such manner, and at such times, as his Majesty, during the continuance of the said acts of the nineteenth and twentieth years of his present Majesty's reign, shall judge proper; and all and every person offending against such order and prohibition, shall forfeit and pay the sum of forty shillings, to be recovered, levied, and applied, as other forfeitures by the said acts are to be recovered, levied, and applied. His Majesty empowered to prohibit the killing cow calves.

XXVII. And to prevent the spreading of the said infectious distemper, by persons who frequently buy up cattle in infected places,

Offenders to forfeit 40s.

Regulations to  
be observed by  
the fellers of  
horned cattle.

places, and soon after difpofe of the fame in places free from the infection, contrary to the true intent and meaning of the faid act, and the orders and regulations made by his Majesty in council, be it enacted by the authority aforefaid, That from and after the firft day of *July*, one thoufand feven hundred and forty nine, no perfon whatfoever, by himfelf, his fervant, or agent, fhall fell or difpofe of any living ox, bull, cow, calf, fteer, or heifer, until the fame fhall have been the property of fuch perfon for the term of forty days at the leaft; and in proof of fuch property, the feller fhall produce a certificate, under the hand of the perfon of whom fuch ox, bull, cow, calf, fteer, or heifer, was laft bought or purchafed, fignifying the time when he purchafed the fame; and every perfon who fhall fell or difpofe of any ox, bull, cow, calf, fteer, or heifer, without producing fuch certificate, and fhall be thereof convicted by his, her, or their own confeffion, or by the oath of one or more credible witnefs or witneffes, before any juftice or juftices of the peace for the county, riding, divifion, city, liberty, or town corporate where the offence fhall be committed, fhall, for every ox, bull, cow, calf, fteer, or heifer, fo fold or difpofed of, forfeit and pay the fum of ten pounds, unlefs fuch perfon fhall by himfelf, his agent, or fervant, make oath before the faid juftice or juftices (which oath the faid juftice or juftices is and are hereby impowered to adminifter) that the faid ox, bull, cow, calf, fteer, or heifer, has been his property for more than forty days, the faid forfeiture to be adjudged, levied, and recovered in fuch manner as the penalty of ten pounds is, by the faid act of the nineteenth year of the reign of his prefent Majesty, to be adjudged, levied, and recovered; one moiety of the faid forfeiture to be given to the informer, and the other moiety to the poor of the parifh where the offence fhall be committed.

Offenders to  
forfeit 10l.

Penalty of  
giving falfe  
certificates.

XXVIII. And be it further enacted by the authority aforefaid, That every perfon who fhall, from and after the faid firft day of *July*, fell or difpofe of any ox, bull, cow, calf, fteer, or heifer, and fhall give a falfe or untrue certificate of the time of the fale of fuch cattle, and every perfon who fhall accept of fuch falfe or untrue certificate, knowing the fame to be fuch, fhall forfeit and pay the like fum of ten pounds, to be adjudged, levied, recovered, and difpofed of in the manner above-directed.

Regulations to  
be observed by  
the drivers of  
horned cattle,  
if any ficken  
on the road.

XXIX. And be it enacted by the authority aforefaid, That from and after the firft day of *July*, which fhall be in the year of our Lord one thoufand feven hundred and forty nine, if any drover, or perfon or perfons driving and conducting horned cattle from one place to another, fhall find any beaft or beafts in his drift ficken upon the road, fo to as be unable to proceed forward in their journey, fuch drover, or perfon or perfons driving fuch horned cattle, fhall forthwith give notice thereof to the conftable, head-borough, or churchwarden of the parifh or place wherein fuch beaft or beafts fhall ficken, in order that the fame may be flain and buried, the fkin being firft flafhed, if deemed to be ill of the diftemper now raging amongft the horned cattle,

the opinion of the officer of fuch parish or place fo summoned, and of two other fubftantial inhabitants of the faid parish or place, whom the faid officer is hereby impowered, by a note in writing under his hand to fummmon to his affiftance; and in cafe any drover, or perfon or perfons driving horned cattle, fhall fail herein, or fhall conceal or drive out of the way, without giving fuch notice, any fuch fick beaft or beafts, he or they fo offending, fhall forfeit and pay ten pounds, to the ufe of the poor of fuch parish or place wherein fuch beaft or beafts fhall be found live or dead, to be levied on his or their goods and chattels, by warrant under the hand and feal of any juftice of the peace of the county, riding, divifion, liberty, city, or town corporate, wherein fuch drover, or perfon or perfons driving fuch horned cattle fhall be taken; and in cafe of nonpayment, fuch drover, or perfon or perfons, fhall be committed to the common gaol of fuch county, fhire, ftewartry, riding, divifion, liberty, city, or town corporate, there to remain without bail or mainprize for the fpace of fix calendar months, or until he or they fhall have paid the faid penalty.

Offenders to  
forfeit 10l.

and on non-  
payment to be  
committed.

XXX. And whereas his Majefty hath, in purfuance of the faid acts of parliament, by his order in council, bearing date the twenty fecond day of March, one thoufand feven hundred and forty feven, made and eftablifhed certain rules, orders, and regulations for the better preventing the fpredding of the faid infection, and putting a ftop to the diftemper; which rules, orders, and regulations have been found beneficial; be it therefore enacted by the authority aforefaid, That the faid order in council, and all the rules, orders, and regulations therein contained and inferted (except fuch and fo much of them, or any of them refpectively, as his Majefty, his heirs and fucceffors, at any time or times during the continuance of the faid former acts, fhall, with the advice of his and their privy council, judge proper and expedient to repeal, alter, or vary) fhall be in force, and the fame, and alfo fuch other rules, orders, and regulations, variations and additions, as fhall be made by virtue of, and in purfuance and under the power and authority of this prefent act, and the faid former acts, fhall be obferved and obeyed by all his Majefty's fubjects, during the continuance of the faid former acts, under the penalty of ten pounds, inflicted and directed to be levied by the faid former acts for every offence committed againft the fame.

His Majefty's  
order in coun-  
cil declared to  
be valid, &c.

Offenders to  
forfeit 10l.

XXXI. And it is hereby further enacted and declared, That all the powers and authorities given by the faid order of council, or which fhall be given by any fubfequent order of council by virtue of the authority aforefaid, to juftices of the peace, and other magiftrates, and to commissioners of the land tax, infpectors, and other officers appointed in that behalf, fhall be duly executed, and are hereby eftablifhed, and enacted and declared to be as good and valid in the law, to all intents and purpofes, during the continuance of the faid order or orders, as if the fame were herein repeated, and exprefly enacted.

Order of  
council, &c.,  
to be executed  
and declared  
valid.

XXXII. And be it further enacted, That from and after the fifteenth

Persons disobeying or obstructing, &c.

to forfeit 50*l*.

Limitation of actions.

General issue.

Treble costs.

Regulations to be observed with regard to writs of execution sued out against any hundred.

3 Geo. 2. c. 16,

fifteenth day of *June*, one thousand seven hundred and forty nine, all and every person and persons who shall by force or threats intimidate, hinder, or prevent the said justices, magistrates, commissioners, inspectors, or other officers, from executing the said rules, orders, and regulations, or from performing their respective duties in relation thereto, or who shall consent, any combination, confederacy, or subscription, or his or her said order or orders in council, or to defeat, or who shall prevent the execution thereof, shall over and besides of such prohibited by the said act, forfeit and pay the sum of fifty pounds to be recovered by bill, plaint, suit, or information, in any of his Majesty's courts of record at *Westminster*, by any person or persons who shall inform and sue for the same, to go and be paid to and for the sole use and benefit of such person or persons respectively, with full costs of suit.

XXXIII. Provided, and be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this or any of the said former acts, in every such case the action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and in the county where the fact hath been, or shall be committed, and not elsewhere; and the defendant and defendants in such action and suit to be brought shall and may plead the general issue, and give the special matter of his defence in evidence, at any trial to be had thereupon, and that the same was done in pursuance of the said former acts, or this present act; and if the same shall appear so to be done, or such action or suit to be brought after the time limited for bringing the same, or shall be brought in any other county, place or places than where the fact was committed, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his or their action, after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant and defendants, in every such case, shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any cases by law.

XXXIV. And be it further enacted by the authority aforesaid, That no writ of execution hereafter to be sued out against the inhabitants of any hundred, on any judgment obtained by virtue of any act or acts of parliament whatsoever, shall be levied on any particular inhabitant or inhabitants of such hundred, but the sheriff or sheriffs shall, on receipt of every such writ, cause the same to be produced to two justices of the peace, in such manner as is directed by the statute made in the eighth year of his present Majesty's reign, intituled, *An act for the amendment of the law relating to actions on the statute of Hue and Cry*; and that thereupon the said justices shall, in the manner directed by the said act, cause a taxation to be made, levied, and collected, for raising and paying, as well the costs and damages

damages recovered by the plaintiff or plaintiffs, as also all such just and necessary expences as any inhabitant or inhabitants of such hundred shall have been at in defending any such action, the same being first proved on oath, and the attorney's bill being first any in such manner as the said act directs; and the sums of moneys so to be levied and collected shall, within the time by the such notice, be paid to the sheriff or sheriffs, and by him or him, shall be delivered over to the persons intitled to receive the such parish any deduction, fee or reward whatsoever.

*Whereas all writs relating to actions depending in the court of session of Chester, or in the court of Common Pleas, held in and for the county palatine of Lancaster, are returnable at the great sessions, and sessions of assizes held respectively for the said counties, and at no other time, by which means no action that is commenced in the said courts can be brought to issue, and tried, before the next session or session of assizes but one after such action is commenced at the soonest, which is usually near a year, and a great delay to the suitors of the said courts, and many other inconveniencies do attend the want of more frequent returns of writs in the said courts: for remedy whereof, and for the greater ease and benefit of the suitors in the same, be it further enacted by the authority aforesaid, That from and after the twenty ninth day of September one thousand seven hundred and forty nine, all writs of *capias*, and other mesne process, to answer relating to any action or suit, to be brought or commenced in the said courts of session for the said county of *Chester*, and court of *Common Pleas* for the said county of *Lancaster*, that shall bear teste in the preceding session, or session of assizes respectively, shall and may be made returnable before his Majesty's justices of the said session at *Chester*, or sessions of assizes for the county of *Lancaster*, on the first Wednesday of any month in each of the two vacations annually, betwixt the said session or sessions of assizes, or at the first day of the next session or sessions of assizes respectively, at the election of the plaintiff or plaintiffs, his, her, or their attorney, who shall sue out the same; and that all such writs or process which shall issue out of the said courts respectively, returnable in the vacations as aforesaid, and whereon or wherewith the defendant or defendants shall be arrested or served with a copy or copies, such defendant or defendants shall appear and file special bail, or enter a common appearance, as the case shall require, on the day of such return, or within eight days next after; and in case of neglect in bailable actions, the sheriff, under sheriff, or other officer, shall at the request and costs of the plaintiff or plaintiffs, in such action or suit, his, her, or their attorney or agent, assign to such plaintiff or plaintiffs, the bail bond taken for the defendant's appearance upon the arrest, by indorsement and attestation under his hand in the presence of two or more credible witnesses; and the plaintiff or plaintiffs in such action, after such assignment made, may bring an action or suit upon such bail bond, in his or their own name or names; and the said courts may, by rule or rules thereof respectively, give such relief*

Regulations  
in the returns  
of writs in the  
court of session  
of *Chester*, and the  
court of *Common Pleas*  
of *Lancaster*,



lief to the plaintiffs and defendants in the original action, and to the bail, so sued upon the bail bond, as is agreeable to justice and reason; and in case of service, the copy of writ or process, returnable in the vacation time as aforesaid, and the defendant or defendants so served therewith, shall not appear at the return of such writ or process, or within eight days next after the return thereof as aforesaid, it shall and may be lawful to and for the plaintiff or plaintiffs, in such action, upon affidavit being made and filed with the prothonotary of the said courts respectively, or his deputy, of the personal service of such process as aforesaid, to enter a common appearance or appearances for the defendant or defendants, and to proceed thereon, as if such defendant or defendants had entered his, her, or their appearance; and that all writs which shall be made returnable in the said courts respectively, on such return days as aforesaid, shall and may (in case the plaintiff or plaintiffs declare according to the practice of the said courts respectively) be proceeded upon in like manner as if the same had been made returnable at the preceding session or session of assizes for the said counties palatine respectively; any law, statute, usage, or custom to the contrary thereof in any wise notwithstanding.

2 Geo. 1. c. 6. XXXVI. *And whereas a doubt hath arisen, whether the solemn affirmation or declaration of the people called Quakers, prescribed by an act made in the eighth year of the reign of his late majesty King George the First, (intituled, An act for granting the people called Quakers, such forms of affirmation or declaration as may remove the difficulties which many of them lie under) can be allowed and taken instead of an oath, in any case wherein by any act or acts of parliament an oath is required, unless the said affirmation or declaration be by such act or acts of parliament particularly and expressly directed to be allowed and taken instead of such oath; by reason of which doubt the testimony of the said people called Quakers, is frequently refused, whereby the said people, and others requiring their evidence, are subjected to great inconveniencies: therefore for removing the said doubt, be it enacted and declared by the authority aforesaid, That in all cases wherein by any act or acts of parliament now in force, or hereafter to be made, an oath is or shall be allowed, authorized, directed, or required, the solemn affirmation or declaration of any of the people called Quakers, in the form prescribed by the said act made in the eighth year of his said late Majesty's reign, shall be allowed and taken instead of such oath, although no particular or express provision be made for that purpose in such act or acts; and all persons who are or shall be authorized or required to administer such oath, shall be, and are hereby authorized and required to administer the said affirmation or declaration; and the said solemn affirmation or declaration, so made as aforesaid, shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places, where by law an oath is or shall be allowed, authorized, directed, or required, as if such*

**Affirmation of Quakers allowed in all cases in lieu of an oath required by act of parliament.**

*Quaker*

Who had taken an oath in the usual form; and if any person making such affirmation or declaration, shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed or de- <sup>Penalty on</sup> <sup>falsely affirming</sup> ~~closed~~ any matter or thing, which, if the same had been depofed in the usual form, would have amounted to wilful and corrupt perjury, every person so offending, shall incur and suffer the like pains, penalties, and forfeitures, as by the laws and statutes of this realm are to be inflicted on persons convicted of wilful and corrupt perjury.

XXXVII. Provided nevertheless, and be it enacted, That no <sup>Not to extend</sup> <sup>to criminal</sup> <sup>cases, &c.</sup> Quaker shall, by virtue of this act, be qualified or permitted to give evidence in any criminal cases, or to serve on juries, or to bear any office or place of profit in the government; any thing herein contained to the contrary notwithstanding.

## C A P. XLVII.

*An act for the more easy and speedy recovery of small debts, within the town and borough of Southwark, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the county of Surry, and the several precincts and liberties of the same.*

WHEREAS several persons living and residing within the town and borough of Southwark in the county of Surry, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, late part of Saint Saviour's, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the said county of Surry, and the several precincts and liberties thereof, contract many small debts, which in the whole amount yearly to a great sum of money; and although they are well able to pay such debts, yet they refuse so to do, presuming on the discouragements which their creditors lie under from the expence which they are unavoidably put to in suing for the same, and the delays they meet with even after they have obtained judgement; and as nothing contributes more to the promoting of industry, and the support of useful credit, than providing an easy and speedy method for recovering of small debts; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for such parishioners of the several and respective parishes within the said town and borough of Southwark, and of the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, late part of and comprized in the parish of Saint Saviour, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the said county of Surry, as have a right to assemble in their several and respective vestries, and they are hereby respectively impowered and required, <sup>The parishioners to meet in their vestries, and to nominate 12 commissioners</sup>

ed, within two calendar months after the making and passing of this act; and also on the *Tuesday* next after the feast of *Easter*, which will be in the year of our Lord one thousand seven hundred and fifty, and so on every *Tuesday* next after the feast of *Easter* in every successive year, to nominate and assign, in the whole, the number of one hundred and thirty two of the most substantial and discreet persons residing within their respective parishes, who are to be commissioners for the purposes herein after-mentioned and expressed, to be appointed by such parishioners of the said several parishes in manner following: *videlicet*, such parishioners of the said parish of *Saint Olave in Southwark*, to nominate and assign twelve of the said persons; the parish of *Saint John in Southwark* other twelve; the parish of *Saint George in Southwark* other twelve; the parish of *Saint Thomas in Southwark* six; the said parish of *Saint Saviour* eighteen; the said parish of *Newington* twelve; the said parish of *Saint Mary Magdalen Bermondsey* eighteen; the said parish of *Christ Church* six; the said parish of *Lambeth* eighteen; and the said parish of *Rotherhithe* eighteen; and the churchwardens of each respective parish for the time being, or one of them, shall, within two days next after such nomination, cause two lists to be made out of the several persons so respectively nominated and appointed as aforesaid; and shall cause one of the lists, or a true copy thereof, to be fixed or stuck upon the church door of their respective parish; and shall deliver, or cause to be delivered, the other to the chief bailiff of the said town and borough of *Southwark*, or his deputy, who shall forthwith cause a copy of such lists to be made, and stuck up in some convenient part of the town hall of the said town and borough of *Southwark*; which said persons, so nominated and returned for the said several parishes respectively as aforesaid, from time to time, are hereby declared, constituted, and appointed to be commissioners to hear and determine all such matters of debt as are herein after-mentioned; and such commissioners are hereby constituted a court of justice, by the name of *The Court of Requests for the town and borough of Southwark in the county of Surry*; and the said commissioners, or any three or more of them, are hereby authorized, empowered, and required to assemble, sit, and hold the said court twice in every week, *videlicet*, on every *Tuesday* and *Friday*, in the court house of the said town and borough situate and being at *Saint Margaret's Hill*, within the said town and borough, or in some convenient part thereof, or some other place near or thereunto adjoining, so as not to impede or interrupt the business, at any time hereafter to be done by or before his Majesty's justices of assize, justices of oyer and terminer, justices of gaol delivery, or justices of the peace, or the courts leet, or courts of sewers, usually done, held, or kept in the said court house; and the said commissioners, so to be assigned and appointed for the time being, or any three or more of them, shall have power and authority, by virtue of this act, to give judgement and decree, and to award execution thereupon, with

costs,

The number  
which each  
parish is to ap-  
point.

Lists to be  
made out,

to be stuck on  
the church  
door, and de-  
livered to the  
chief bailiff,  
and a copy to  
be stuck up in  
the town hall.

Stile and title  
of the court.

Three com-  
missioners to  
sit twice a  
week, &c.

Power of  
commission  
ers.

coſts, againſt the bodies, or againſt the goods and chattels of any and every the perſon or perſons againſt whom they ſhall give any judgement or decree, as to them ſhall ſeem juſt in law or equity.

II. And, for the more orderly and regular proceeding in the ſaid court, and that no undue preference or delay may be made or given in ſummoning the ſaid commiſſioners to attend the buſineſs of the ſaid court, <sup>Chief bailiff to ſummon a certain number to attend for 1 month.</sup> it further enacted by the authority aforeſaid, That the ſaid chief bailiff, or his deputy (who are hereby impowered and required, from time to time, ſo to do) ſhall, within two days next after ſuch ſeveral liſts ſhall be returned to him as aforeſaid, ſummon, or cauſe to be ſummoned, the firſt three perſons named in each liſt containing eighteen, the firſt two perſons in each liſt containing twelve, and the firſt perſon named in each liſt containing ſix, to attend as commiſſioners of the ſaid court for one calendar month then next following; and ſo the like number of perſons out of every liſt, as they ſhall ſtand in order and rotation therein reſpectively, to ſerve as commiſſioners from month to month, during the term for which they are choſen commiſſioners.

III. Provided always, That nothing herein before contained ſhall extend, or be conſtrued to extend, to exclude or debar any of the perſons who ſhall be nominated and returned for commiſſioners as aforeſaid (although they be not in rotation) from ſitting in the ſaid court; but that all ſuch commiſſioners ſhall and may, as often as they ſhall reſpectively think fit, fit and give judgement therein; any thing herein before contained to the contrary thereof notwithstanding. <sup>Commiſſioners impowered to ſit, tho' not in rotation.</sup>

IV. And be it enacted by the authority aforeſaid, That from and after the twenty ninth day of *September*, one thouſand ſeven hundred and forty nine, it ſhall and may be lawful to and for every reſident and inhabitant of the ſaid town and borough of *Southwark*, and for all the reſidents and inhabitants within the ſaid ſeveral pariſhes of *Saint Saviour*, *Saint Mary at Newington*, *Saint Mary Magdalen Bermonſey*, *Chriſt Church*, late part of *Saint Saviour's*, *Saint Mary Lambeth*, and *Saint Mary at Rotherhithe*, in the county of *Surry*, and to and for all and every perſon and perſons renting or keeping any ſhop, ſhed, ſtall, or ſtand, or ſeeking a livelihood within the ſaid town and borough, or within any of the pariſhes, limits, or precincts aforeſaid, who now have, or hereafter ſhall have any debt or debts owing unto him, her, or them, not exceeding the ſum of forty ſhillings, by any perſon or perſons whatſoever, inhabiting, or ſeeking a livelihood, within the ſaid town and borough, or within any of the pariſhes, limits, or precincts aforeſaid, as aforeſaid, to cauſe ſuch debtor or debtors, ſo inhabiting, ſeeking a livelihood as aforeſaid, to be wained or ſummoned by the chief bailiff of the ſaid town and borough for the time being, or his deputy officer or officers (who are hereby appointed, authorized, and required to execute all warrants, precepts, or proceſs of the ſaid court of requeſts) by writing left at the dwelling-houſe, or place of abode, <sup>Method of proceedings, and recovery of debts, not exceeding 40s.</sup>

bode, ſhop, ſhed, ſtall, ſtand, or any other place of dealing of ſuch debtor or debtors, or by any other reaſonable warning or notice, to appear before the commiſſioners of the ſaid court, to be held at or in the place aforeſaid; and that the ſaid commiſſioners, or any three or more of them, ſhall, after ſuch ſummons as aforeſaid, have full power and authority, by virtue of this act, to make or cauſe to be made, ſuch acts, order or orders, decrees, judgements, and proceedings, between ſuch party or parties, plaintiffs, and his, her, or their debtor or debtors, defendants, touching ſuch debts, not exceeding the ſum of forty ſhillings, in queſtion before them, as they ſhall find to ſtand with equity and good conſcience; and all ſuch acts, decrees, judgements, and proceedings, order or orders, ſhall be entred and regiſtred in a book, to be kept for that purpoſe by the clerk or clerks of the ſaid court, or his or their ſufficient deputy or deputies; and ſhall be obſerved, performed, and kept in all parts, as well by the plaintiff, as the debtor or defendant.

Orders, &c.  
of the court to  
be regiſtred.

Commisſion-  
ers impow-  
ered to adminiſter  
oaths.

If action for  
debt under  
40s. ſhall be  
ſued in any  
other court.

The judge to  
award the de-  
fendant coſts.

V. And for the more due and regular proceeding in the ſaid court intended to be eſtabliſhed by this act, it is hereby further enacted, That it ſhall and may be lawful for the ſaid commiſſioners, or any three or more of them, to adminiſter an oath to the plaintiff or defendant, and to ſuch witneſs or witneſſes as ſhall be produced by each party, and alſo to all the officers of the ſaid court, for or concerning any buſineſs relative thereunto, if the ſame commiſſioners, or any three or more of them, ſhall ſo think it meet.

VI. And be it further enacted by the authority aforeſaid, That if in any action of debt, or action on the caſe upon an *Aſſumpſit* for recovery of any debt to be ſued or proſecuted againſt any perſon or perſons aforeſaid, in any of the King's courts at *Weſtmiſter*, or elſewhere, out of the ſaid court of requests, it ſhall appear to the judge or judges of the court where ſuch action ſhall be ſued or proſecuted, that the debt to be recovered by the plaintiff in ſuch action doth not amount to the ſum of forty ſhillings, and the defendant in ſuch action ſhall duly prove, by ſufficient teſtimony, to be allowed by any the judge or judges of the ſaid court where ſuch action ſhall depend, that at the time of commencing ſuch action, ſuch defendant was inhabiting and reſiant within the ſaid town and borough of *Southwark*, or any of the pariſhes, limits, and precincts aforeſaid, in the county of *Surry*, and was liable to be warned or ſummoned before the ſaid court of requests for ſuch debt, then, and in ſuch caſe, the ſaid judge or judges ſhall not allow to the ſaid plaintiff any coſts of ſuit; but ſhall award that the ſaid plaintiff ſhall pay ſo much ordinary coſts to the party defendant, as ſuch defendant ſhall juſtly prove before the ſaid judge or judges it hath truly coſt him in the defence of the ſaid ſuit.

VII. And, for the more effectual eſtabliſhing of the ſaid court of requests, and the better enforcing the orders and decrees, which ſhall be made by the ſaid commiſſioners; and that the ſaid commiſſioners may be inveſted with proper power and authority

and be free and exempt from any insults or abuses; be it further enacted by the authority aforesaid, That if any person or persons shall contemptuously affront, insult, or abuse all or any of the commissioners of the said court, during their sitting in the said court, it shall and may be lawful to and for the said chief bailiff, or his deputy officer or officers, by order of the said commissioners then sitting, or any three or more of them, to take such person or persons so offending as aforesaid, into custody, and carry him, her, or them before one or more of his Majesty's justice or justices of the peace for the said county of *Surry*, to answer such affront, insult, or abuse; and upon the fact alleged being duly proved, upon the oath or oaths of one or more credible witness or witnesses, against him, her, or them, then, and in such case, the said justice or justices shall proceed to punish such person or persons so offending as aforesaid, by fine or imprisonment, or both; provided that the fine on any one person do not exceed the sum of twenty shillings, and that the imprisonment be for no longer time than ten days.

VIII. And be it enacted by the authority aforesaid, That upon the nonpayment of the said fine, so to be imposed or set upon every person convicted of offending as aforesaid, it shall and may be lawful for the said justice or justices to issue a warrant or warrants, under his or their hands and seals, for levying the said fine or fines so imposed upon the goods and chattels of every such offender or offenders, being then resiant or inhabiting within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, and to cause sale to be made thereof, in case they shall not be redeemed in five days, rendering the overplus, if any, to the owner upon demand, after deducting the reasonable charges of such distress and sale; which fine or fines, when levied or received by virtue of this act, shall be immediately paid over into the hands of the church-wardens or the overseers of the poor of the parish, wherein every such offender shall, at the time of such offence committed, inhabit, dwell, or seek a livelihood, towards the support and maintenance of the poor of the same parish; and if such offender or offenders shall not be resiant or inhabiting within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, or shall not have any goods or chattels within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, whereof such fine or fines can be levied as aforesaid; then, and in such case, and upon nonpayment of such fine or fines, it shall and may be lawful for the said justice or justices, by warrant under his or their hand and seal, or hands and seals, to commit such offender or offenders to the county gaol of the said county of *Surry*, there to remain until he, she, or they shall pay the said fine or fines so imposed as aforesaid, not exceeding one calendar month; and such fine or fines, when levied or received, shall be immediately paid over into the hands of the justice or justices who granted such warrant or warrants,

Penalty of insulting the court.

Fine to be levied by distress and sale.

Offender not being an inhabitant, &c.

and not paying the fines, to be committed.

as aforefaid, to be diftributed among the poor prifoners for debt in the faid prifon, in fuch manner as he or they fhall think fit.

Copy of the two preceding claufes to be ftuck up in the court houfe.

IX. And be it further enacted by the authority aforefaid, That the clerks of the faid court, or one of them, fhall fix, or caufe to be fixed or ftuck up, in the moft publick part of the court houfe of the faid town and borough, or other place where the faid commiffioners fhall fit to do bufinefs as aforefaid, a true copy of the two laft preceding claufes of this act, to the end that no perfon or perfons fhall or may pretend ignorance in the premiffes.

Penalty of wilful or corrupt perjury.

X. And be it further enacted by the authority aforefaid, That in cafe any perfon or perfons fhall make oath, or give evidence, in any caufe depending in the faid court of requests, whereby he, ſhe, or they, fhall commit any wilful or corrupt perjury, and thereof be duly convicted according to law, then every fuch perfon or perfons fhall incur and fuffer the like pains and penalties, as any other perfon or perfons convicted of wilful perjury, according to the laws and ftatutes of this realm.

Clerks appointed.

XI. And be it further enacted by the authority aforefaid, That *John Butler*, of the parifh of *Saint Olave Southwark*, in the county of *Surry*, gentlemen, and *Hammett Richardson*, of the parifh of *Saint Mary Magdalen Bermondſey* in the county aforefaid, gentleman, are conſtituted and appointed clerks of the faid court of requests during their refpective good behaviour therein; who fhall and are hereby required to iffue out all ſummonſes, warrants, precepts, acts, orders, decrees, judgments, attachments, and proceedings of the faid court; and fhall keep proper books, wherein fhall be entered and registered all acts, orders, and proceedings of the ſame court.

Method of chooſing clerks.

XII. And be it further enacted by the authority aforefaid, That it fhall and may be lawful for the faid commiffioners in court, or the major part of them, on the next court day after the death, refignation, or legal amoval of both or either of the faid *John Butler*, and *Hammett Richardson*, the clerks appointed by this act, or ſo ſoon after as the ſame is publickly known, and they are hereby required, to caufe the whole number of commiffioners to be ſummoned, who, next before ſuch death, refignation, or amoval, were nominated and returned, as aforefaid, to meet at the place aforefaid, within twenty days next after their being ſummoned as aforefaid; and ſuch commiffioners at ſuch meeting are hereby authorized, impowered, and required, by ballot, to elect and chooſe another perfon or perfons in the room of both or either of the faid *John Butler* and *Hammett Richardson* ſo dying, refigning, or being amoved as aforefaid, for the uſes and purpoſes in this act contained; and ſo from time to time, upon every vacancy of the faid office of clerk, for ever.

Commiffioners not to act till they have taken the oath following.

XIII. And be it further enacted by the authority aforefaid, That no perfon or perfons fhall be capable of acting as commiffioner or commiffioners in the execution of the powers given by this act, until ſuch time as he and they fhall refpectively have taken an oath to the effect following:

**A. B.** do swear, That I will faithfully, impartially, and honestly, according to the best of my judgement hear and determine such matters and things as shall be brought before me by virtue of an act of parliament, intituled, An act for the more easy and speedy recovery of small debts, within the town and borough of Southwark, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, Saint Mary Lambeth, and Saint Mary at Rothenhithe, in the county of Surry, and the several precincts and liberties of the same; without favour or affection to either party. The oath.

Which oath the said clerks, or one of them, is or are hereby impowered to administer; and shall cause a memorial thereof to be entered among the records of the said court. Clerk to administer and register the oath.

**XIV.** And be it further enacted by the authority aforesaid, That the several fees and sums of money, hereafter limited and expressed, and no more or greater fees, shall and may be taken for the respective services of the bailiff and clerks; that is to say,

*For every summons, to the bailiff three pence, to the clerk three pence.* Table of fees

*For every hearing, to the bailiff one penny, to the clerk three pence.*

*For an attachment against the defendant for not appearing to the summons, to the bailiff one shilling and two pence, to the clerk six pence.*

*For giving notice to the complainant of the service of the attachment, to the bailiff four pence.*

*For an execution, to the bailiff one shilling and two pence, to the clerk ten pence.*

*For paying money into court, to the bailiff one penny, to the clerk seven pence.*

*For acknowledging satisfaction in full, to the bailiff two pence, to the clerk four pence.*

*For acknowledging satisfaction in part, to the bailiff one penny, to the clerk three pence.*

*For searching the books, to the clerk two pence.*

*For calling the defendant before the court, when he refuses to appear, to the bailiff two pence, to the clerk two pence.*

*For the complainant's marking his appearance, to excuse his attendance the first court day, to the clerk four pence.*

*For a nonsuit on the plaintiff not appearing, to the clerk two pence.*

A table of which said fees shall be hung up by the clerks of the said court, or one of them, in some publick and conspicuous part of the said court house, or other place where the said commissioners shall meet for the purposes aforesaid, to the end that all persons concerned may, at all times, see and read over the same; and if the said chief bailiff for the time being, or any of his officers, shall take or demand any greater or other fees, than as above mentioned, or shall otherwise misbehave himself or themselves Table of fees to be hung up in the court house.  
Officers taking other fees, or misbehaving to forfeit 20l.



and costs.

Actions to be commenced in 3 months.

Regulations on complaint of misbehaviour of clerks.

themselves in the execution of his or their office, then he and they, for every such offence, shall forfeit and pay the sum of twenty pounds to any person or persons, who shall sue for the same in any of his Majesty's courts of record at *Westminster*, together with full costs of suit, by action of debt, bill, plaint, or information; in which no essoin, privilege, protection, or wager of law, or any more than one imparlance shall be allowed; so that such action or suit be commenced within three calendar months after the offence be committed, and not otherwise.

XV. And be it further enacted by the authority aforesaid, That upon complaint made by any person or persons, of the misbehaviour or breach of duty of any clerk or clerks appointed or to be appointed by virtue of this act, or of any clerk or clerks taking or demanding any greater or other fees than as above-mentioned, it shall and may be lawful to and for the said commissioners then sitting in court to inquire into the nature of such complaint; and if it shall appear to the said commissioners, or the major part of them, that such complaint deserves the consideration of the whole number of commissioners nominated and returned, as aforesaid, then such commissioners so sitting in court, as aforesaid, are hereby directed and required to cause the whole number of commissioners to be summoned to meet as soon as conveniently may be, by publick notice to be given in the several parish churches within the said district, by the parish clerks thereof, immediately after divine service, on the *Sunday* morning next before such meeting is to be held, such *Sunday* being at least four days before the holding of such meeting, and examine into the merits of such complaint; and if it shall then appear to such commissioners, or the major part of them, that such clerk or clerks have or hath been guilty of a gross misbehaviour, or breach of duty, in his or their office, that then it shall and may be lawful to and for the said commissioners, or the major part of them, to suspend or remove such clerk or clerks from his or their said office, and to elect and choose another person or persons in his or their room.

Limitation with respect to certain debts, &c.

XVI. Provided always, That this act, or any thing therein contained, shall not extend to any debt for any rent upon any lease of lands, or tenements, or any other real contracts, nor to any other debt that shall arise by reason of any cause concerning testament or matrimony, or any thing concerning or properly belonging to the ecclesiastical court, albeit the same shall be under forty shillings; any thing before contained to the contrary in any wise notwithstanding.

Limitation of actions.

XVII. And be it enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done or to be done in pursuance of this act; then, and in such case, such action or suit shall be brought or commenced within three calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit to be brought,

General issue. shall and may plead the general issue, and give this act, and the special

special matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or actions, suit or suits; or if upon verdict or demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any other cases by law. Treble costs.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That the affirmation or affirmations of the people called Quakers, shall be allowed of and taken in all cases where any oath or oaths is or are directed to be taken by this act, instead of such oath or oaths; and shall be administered by the same persons, as such oath or oaths is or are to be administered; and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer the same penalties and forfeitures, as are inflicted and imposed by any laws and statutes in this realm, upon persons convicted of wilful and corrupt perjury. Quakers affirmed. Penalty on false affirming.

XIX. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and all other persons whatsoever, without specially pleading the same. Publick act.

### C A P. XLVIII.

*An act to ascertain and establish the method of proceeding to and upon outlawries for high treason, and misprision of high treason, in Scotland.*

WHEREAS by virtue of an act of parliament made in the seventh year of the reign of her late majesty, Queen Anne, intituled, An act for improving the union of the two kingdoms, all proceedings upon indictments for high treason, or misprision of high treason, committed in Scotland, ought to be according to the laws of England: and whereas doubts may arise touching the method of proceeding in Scotland to outlaw persons, against whom bills of indictment are or may be found there for high treason, or misprision of high treason, by reason of the different forms of proceeding of the courts of justice in England, and in Scotland, and of the different kinds of officers to carry the same into execution: now, in order to remove all such doubts, and to establish one certain, clear, and plain order and method of proceeding to outlawry against persons who have been, or shall be indicted for high treason, or misprision of high treason, in Scotland; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any person or persons is, are, or shall be indicted for high treason, or misprision of high treason, before any court of justice in Scotland, having jurisdiction to take such indictments, and shall not be in custody for the same, the court wherein such indictment is or shall be found, or to which the same is or shall be found, shall issue writs of Capias a-

gainſt the par-  
ty if not in  
cuſtody, &c.

ſhall be duly certified, ſhall have full power and authority, and are required, to iſſue one writ of *Capias* againſt the perſon or perſons ſo indicted, being ſo out of cuſtody as aforeſaid, directed to the ſheriff or ſtewart of the county, ſhire, or ſtewartry, wherein ſuch indictment is or ſhall be found, and made returnable in the ſame court, forty two days at the leaſt after the teſte thereof, or a longer time, by the diſcretion of the ſaid court, if the caſe requires it; which writ ſhall be delivered to ſuch ſheriff or ſtewart, who ſhall endeavour to find and apprehend the defendant or defendants named in ſuch writ, within his county, ſhire, or ſtewartry; and if the defendant or defendants ſhall be named in the ſaid writ of any pariſh or place which lies in any county, ſhire, or ſtewartry, other than that in which ſuch indictment ſhall be found, then the ſaid court ſhall iſſue one other writ of *Capias* to the ſheriff or ſtewart of ſuch other county, ſhire, or ſtewartry, of the ſame teſte, return, and import with the ſaid firſt-mentioned writ of *Capias*; and if ſuch reſpective ſheriff or ſtewart ſhall return to both the ſaid writs, or to the ſaid firſt-mentioned writ of *Capias* (in caſes where only one ſhall be neceſſary to be iſſued) that the ſaid defendant or defendants is or are not to be found within the reſpective counties, ſhires, or ſtewartries of ſuch ſheriff or ſtewart, then the ſame court ſhall iſſue two other writs, the one a writ of proclamation, the other a writ of exigent, and teſted the day of the return of the ſaid writ or writs of *Capias*, and directed to the ſheriff or ſtewart of the county, ſhire, or ſtewartry in which the pariſh or place, houſe or eſtate of which the defendant or defendants is, are, or ſhall be named or deſcribed in the ſaid indictment lieth; and ſuch writs ſhall be both returnable on one and the ſame future day, and ſhall be delivered to ſuch ſheriff or ſtewart, who ſhall execute and return the ſame in the manner following (that is to ſay) by virtue of the ſaid writ of proclamation, the ſaid ſheriff or ſtewart ſhall cauſe the ſaid defendant or defendants to be proclaimed three times (that is to ſay) once at the court of the ſheriff or ſtewart depute of ſuch ſhire or ſtewartry, and a ſecond time at the quarter ſeſſions of the peace to be held for the ſame county, ſhire, or ſtewartry, and a third time near to the church door, or if there ſhall be no church, in ſome publick part of the pariſh or place of which the ſaid defendant or defendants ſhall be named or deſcribed in the ſaid indictment, between the hours of ten of the clock in the morning, and two in the afternoon, and ſuch third proclamation ſhall be made twenty eight days at leaſt before the fifth and laſt ſheriff's or ſtewart's depute court, at which the ſaid defendant or defendants are to be called by virtue of the ſaid writ of exigent, in the manner herein after-mentioned; and by virtue of the ſaid writ of exigent, the ſaid ſheriff or ſtewart ſhall cauſe the defendant or defendants to be called to appear at each of the five ſucceſſive courts to be held by the ſheriff or ſtewart depute for the ſaid county, ſhire, or ſtewartry; and if the defendant or defendants ſhall not appear and ſurrender himſelf or themſelves, ſo as to be forth coming to juſtice at ſome

or writs of  
proclamation  
and exigent.

Manner of  
execution, and  
laſt return of  
the writs.

some one or other of the said courts, at which he or they shall be proclaimed or called as aforesaid, the said sheriff or steward depute shall, at the last of the said five courts, pronounce judgment of outlawry against him, her, or them, and shall sign such judgment of outlawry; and the sheriff or steward of such county, shire, or stewartry, shall return the same, and the writs of proclamation and exigent, into the court from whence the same shall issue, together with indorsements on each, certifying that the said sheriff or steward has done every thing required of him by the said writs, and that the defendant or defendants did not appear (if that shall be the case) and thereupon such defendant or defendants shall be and be deemed to be outlawed for such high treason, or misprision of high treason respectively, according to law, to all intents and purposes whatsoever; and the defendant or defendants so outlawed for high treason, shall be and be deemed to be attainted of such high treason as is or shall be mentioned and contained in such indictment, and shall be subject and liable to such and the like execution and corruption of blood, and to such and the like pains, penalties, forfeitures, and processes, with respect to their estates real and personal, moveable and immovable, to which persons attainted of high treason are by law subject and liable; and the defendant or defendants so outlawed for misprision of high treason, shall be subject and liable to all such and the like forfeitures, and to all such and the like processes, out of the court where the said writ or writs, proclamation or proclamations, and judgment of outlawry shall be returned, and also out of the court of *Exchequer* in *Scotland*, to seize and take the person and estate, and goods moveable and immovable, real and personal, of such defendants so outlawed for misprision of high treason, as persons outlawed according to the law of *England* for misprision of high treason are liable and subject to; and the defendants outlawed for high treason, or misprision of high treason, in *Scotland*, shall, as near as can be, have all such and the like writs, means, methods, remedies, and advantages, in such and the like manner and time, and on such and the like terms and conditions, for avoiding, falsifying, or reversing any such outlawry, as may be had by the law and usage of *England* in the like cases (excepting so far as the forms of proceeding are varied and settled by this act) and all the writs herein before mentioned, with the returns thereof, and judgments of outlawry, shall be recorded and preserved in the court to which the said writs shall be returned, unless removed by due course of law.

Defendants not appearing, to be outlawed, and attainted.

Outlawed persons to have the remedies allowed by the laws of *England*.

The writs, with the returns and outlawries, to be recorded.

II. And whereas the courts of the sheriff, or steward depute in *Scotland*, are not held at certain stated times, which might occasion uncertainty and delay in the before-mentioned proceedings, be it enacted by the authority aforesaid, That such sheriffs or stewards, to whom the said respective writs of proclamation and exigent shall be directed and delivered, shall, and they are hereby impowered and required forthwith to cause five successive courts of the sheriff or steward depute to be held for the

Five successive courts to be held by the sheriff to whom writs of exigent shall be directed.

purposes ed.

purposes before-mentioned, in fuch manner as fhall be neceffary for the due execution of the faid writs, three days notice being firft given, before the firft court, at the head borough, the county or ftewartry, of the times and places where fuch courts fhall be held; and the firft of the faid five fucceffive courts, at which the defendant or defendants is or are to be called by virtue of the writ of exigent, fhall be held within twenty days after the delivery thereof to the fheriff or ftewart, and each of the four fucceffive courts fhall be held at the end of four weeks from the court preceeding.

Forms of the  
feveral writs,  
and their exe-  
cution.  
Writ of *Ca-  
pias*.

Writ of pro-  
clamation.

Writ of exi-  
gent.

Persons being  
out of the  
kingdom, and  
returning  
within a year,  
may traverse  
the indict-  
ment.

III. And be it further enacted by the authority aforefaid, That all the faid writs of *Capias*, proclamation, and exigent, fhall be in the name of his Majefty, his heirs and fucceffors, under the feal of fuch courts from whence the fame fhall iffue, and fuch writ of *Capias* fhall contain a command to the fheriff or ftewart, to take the defendant or defendants, and bring him, her, or them before the court whence the faid writ fhall iffue, at a certain time and place therein to be mentioned; and the writ of proclamation fhall command fuch fheriff or ftewart to take the defendant or defendants, and have him, her, or them before fuch court, at a certain time and place therein to be mentioned, and if he, ſhe, or they cannot be found within his ſhire or ftewartry, then to caufe publick proclamation to be made in the court of the fheriff depute, or ftewart depute, at the general quarter feffions of the peace, to be held for the ſame ſhire or ftewartry, and at the door of the church or place, or if no church, at ſome open part of the place, of which fuch defendant or defendants is, are, or ſhall be named or defcribed in fuch indictment, that he, ſhe, or they be before the court from whence fuch writ fhall iffue, at a certain time and place therein to be mentioned; and the faid writ of exigent fhall contain a command to the fheriff or ftewart, to caufe the defendant or defendants to be called, from court to court of the fheriff, or ftewart depute, until he, ſhe, or they be outlawed; and if he, ſhe, or they ſhall appear, then to take him, her, or them, and have him, her, or their body or bodies before the court, whence fuch writ of exigent fhall iffue, at a certain time and place therein to be mentioned, to answer to his Majefty, his heirs or fucceffors, for the crime of which he, ſhe, or they is, are, or ſhall be indicted.

IV. And be it further enacted by the authority aforefaid, That if any perfon ſo to be outlawed for high treaſon as aforefaid, ſhall, at the time of fuch outlawry pronounced, be reſiant or inhabitant out of the limits of this kingdom of *Great Britain*, and ſuch perfon ſhall, within one year after ſuch outlawry pronounced, yield himſelf or herſelf to the lord juſtice general, juſtice clerk, or any of the commiſſioners of juſticiary in *Scotland*, he or ſhe ſhall be at liberty to traverse the indictment on which ſuch outlawry ſhall be pronounced, and take his or her trial thereupon; and in caſe he or ſhe, on ſuch trial, ſhall be found not guilty, by verdict of the jury, he or ſhe ſhall be clearly acquitted

quitted and difcharged of the laid outlawry, and all penalties and forfeitures for the fame, in as large and ample a manner and form, as though no fuch outlawry had been made.

## C A P. XLIX.

*An act for making a free market for the fale of fifh in the city of Weftminfter; and for preventing the foreftalling and monopolizing of fifh; and for allowing the fale of fifh, under the dimenfions mentioned in a clause contained in an act of the firft year of his late Majefty's reign, in cafe the fame are taken with a book.*

**W**HEREAS a free and open market for fifh in the city of Weftminfter would greatly tend to increafe the number of fifhermen, and improve and encourage the fifhery of this kingdom; may it please your moft excellent Majefty that it may be enacted; and be it enacted by the King's moft excellent Majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That from and after the twenty fourth day of June one thoufand feven hundred and forty nine, there fhall be a free and open market held in the city of *Weftminfter* for all forts of fifh whatfoever; and that it fhall and may be lawful for any perfon or perfons to buy or fell any fort of fifh in the laid market, without any difturbance or moleftation whatfoever; neverthelefs yielding and paying fuch fums as are herein after-mentioned.

A free market  
for fifh to be  
held in Weft-  
minfter.

II. And to the end the laid intended market may be erected, eftablifhed, and maintained, under fuch rules and regulations as are by this act herein after directed and prefcribed; he it further enacted by the authority aforefaid, That lieutenant general *James Oglethorpe*, the right honourable *Granville Leveson Gower* efquire, commonly called lord viscount *Trentham*; the right honourable *George Doddington* efquire, Sir *Peter Warren* knight of the *Bath*, Sir *Bouchier Wrey* baronet, Sir *Robert Grosvenor* baronet, Sir *John Croffe* baronet, Sir *Richard Lloyd* knight, *John Laroche* efquire, *George Harrifon* efquire, *Thomas Fonnereau* efquire, reverend doctör *Stawen Kenrick*, *William Lowndes* efquire, captain *Philip Durell*, *Thomas Wyndham* efquire, *Thomas Smith* efquire, *Harman Verelst* efquire, *George Payne* efquire, *Henry Cheere* efquire, *Daniel Gell* efquire, *Francis Hutchinson* efquire, *William Pearce* efquire, the reverend *Wilson D. D.* one of the prebendaries of the collegiate church of Saint *Peter, Weftminfter*; *Richard Combes* efquire, *Francis Gwyn* efquire, *Edward Vernon* efquire, fhall, from and immediately after the paffing of this act, be, and are hereby appointed trustees for putting this act in execution; and they, or the furvivors of them, or any five or more of them, are hereby invefted with all and every the powers and authorities given and granted by this act.

Trustees  
names.

III. And whereas a fum of money will be neceffary for preparing a proper place for the laid market, and in maintaining and keeping the

Duties to be  
paid by fifher-  
men.

*the fame in repair, and other incidental charges attending the fame;* be it further enacted by the authority aforefaid, That from and after the faid twenty fourth day of June, one thoufand feven hundred and forty nine, there fhall be paid to the faid trustees, or fuch other perfon or perfons as the faid trustees, or any five or more of them, fhall, from time to time, appoint to receive the fame, the following fums by every fifherman, or other perfon or perfons, felling any fort of fifh in the faid market, for coming with his boat or vefel to, or landing, ftanding, being, or felling in, or at the faid market; that is to fay,

The duties.

*For each vefel laden with falt fifh, for groundage, the fum of eight pence for each day, and twenty pence for each voyage.*

*For each lobster-boat, dogger-boat, jmack, or other vefel, laden with frefh fea fifh, the fum of two pence for each day for groundage, and thirteen pence each voyage.*

*For every oyster-veffel or cock two pence each day for groundage, one halfpenny for each bufhel for metage, and thirteen pence each voyage.*

Duties vefted  
in the trustees;

and may be  
levied by di-  
ftrefs and fale.

Which faid feveral fums fhall, and they are hereby declared to be vefted in the faid trustees, and their fucceffors; and the fame, and every part thereof, fhall be paid, applied, and difpofed of, and affigned to and for the feveral ufes, intents, and purpofes, and in fuch manner, as is herein after-mentioned and directed; and it fhall and may be lawful to and for the faid trustees, or any five or more of them, or fuch perfon or perfons as they, or any five or more of them, under their hands and feals, fhall, at a general meeting, nominate and appoint, to demand and take the fums hereby granted and made payable; and to levy the fame upon any perfon or perfons who fhall, after demand thereof made, neglect or refufe to pay fuch fums as aforefaid, by diftreff of any boat or boats, or the tackle or furniture thereto belonging, or there found, and belonging to the perfon or perfons, who by this act are made liable to the payment of the fame; and to detain and keep fuch goods and chattels fo diftrained, until fuch fums, with the reasonable charges of fuch diftraining and keeping, fhall be paid; and fuch perfon and perfons fo diftraining, after the fpace of three days after fuch diftreff made and taken, fhall and may fell the goods fo diftrained, returning the overplus, if any be, upon demand, to the owner thereof, after fuch fums, and the reasonable charges for diftraining and keeping the fame, fhall be deducted and paid.

Trustees im-  
powered to  
borrow mo-  
ney, and affign  
the duties.

IV. *And whereas the money to be collected by virtue of this act, will not immediately raife a fufficient flock for effecting the purpofes thereof;* be it therefore enacted by the authority aforefaid, That from and after the paffing this act, the trustees appointed; or to be appointed to put the fame in execution, or any five or more of them, fhall and may, from time to time, at a general meeting held by them for that purpofe, by any writing under their hands

hands and ſeals, aſſign over the ſaid ſums ariſing by virtue of this act, or any part thereof, as a ſecurity for any ſum or ſums of money to be borrowed by the ſaid truſtees for the purpoſes of this act, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the payment thereof, with ſuch intereſt as ſhall be agreed upon, not exceeding five pounds *per centum per annum*.

V. And be it further enacted by the authority aforeſaid, That out of the money ariſing by the ſaid ſums granted by this act, or the money borrowed on the credit thereof, as aforeſaid, the ſaid truſtees, or any five or more of them, at a publick meeting aſſembled, ſhall in the firſt place pay and diſcharge all expences and charges incurred in paſſing this act of parliament; and in the next place, ſhall pay and diſcharge the expences of laying out, making, and erecting a commodious place for the ſaid market, and in finiſhing and keeping the ſame in repair, and all other neceſſary expences attending the execution of this act. Application of monies.

VI. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, ſhall and may, at the firſt or any ſucceeding general meeting, by writing under their hands and ſeals, chuſe and appoint one or more fit perſon or perſons to be collector or collectors of the ſums aforeſaid; and ſhall appoint one or more treaſurer or treaſurers, and all other neceſſary officers, as to them ſhall appear proper for the better execution of the powers contained in this act, allowing to ſuch perſon or perſons ſo by them appointed, ſuch ſalaries or other rewards for their trouble as to the ſaid truſtees, or any five or more of them, ſhall appear juſt and reaſonable; and the ſaid truſtees, or any five or more of them, ſhall and they are hereby impowered to remove or diſplace ſuch treaſurer or treaſurers, collector or collectors, or other perſon or perſons whatſoever, ſo by them from time to time appointed, and to place others in their ſtead; and the perſon or perſons ſo appointed to collect and receive the ſaid ſum or ſums, and alſo ſuch treaſurer or treaſurers ſo appointed as aforeſaid, ſhall, before the ſaid truſtees, or any five or more of them, upon the firſt Monday in every month, or oftener, if thereunto required by the ſaid truſtees as aforeſaid, give in a true, exact, and perfect account in writing, under their reſpective hands, of all the monies, which he or they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act, by reaſon of their reſpective offices; and produce vouchers for the ſame, and ſhall pay over ſuch balance to ſuch perſon or perſons, as the ſaid truſtees, or any five or more of them, ſhall at ſuch meeting direct; and in caſe ſuch treaſurer or treaſurers, collector or collectors, ſhall reſuſe to give in ſuch account as often as required by the ſaid truſtees, or any five or more of them, at a general meeting, ſuch perſon or perſons ſo reſuſing ſhall be committed to the common gaol of the ſaid city and liberty, by warrant under the hand and ſeal of any one of his Maſteſty's juſtices of the peace for the ſaid city and liberty of *Weſtminſter*, upon application Trustees to appoint officers,  
and remove them.  
Collector and treaſurer to account upon oath,  
and to produce vouchers, and pay over the balance,  
and in default, to be committed.



application made to him by two of the said trustees, there to remain without bail or mainprize, until he or they shall make or render in a true, exact, and perfect account of their receipts and disbursements by virtue of this act; and shall have produced and delivered up all vouchers relating thereto; and shall have likewise paid over the money due on such account to such person or persons as the said trustees, or any five or more of them, shall direct and appoint to receive the same.

The trustees to deliver yearly to the justices, an account of receipts and disbursements,

VII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall yearly and every year, within six weeks next after the twenty first day of *December*, make up, and deliver in to the justices of the peace acting within the said city of *Westminster*, at any petty or special sessions assembled, a just, true, and perfect account in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said trustees, or any five or more of them, of all and every sum and sums of money which they shall know to have been received or disbursed under the authority of this act, during the preceeding year, with the balance (if any) remaining in the hands of the said trustees; and such accounts shall be kept by the clerk of the said sessions among the records thereof, to be inspected by any person or persons desiring the same, upon payment of one shilling to the said clerk; and if any surplus of the said sums shall remain in the hands of the said trustees, the same is hereby appropriated to, and shall be applied yearly and every year by them, within twelve months next after the delivering of such accounts to the said justices as aforesaid, in the binding out boys apprentices to fishermen, masters of ships, or some other person or persons employed in the sea service; such boys to be chosen by a majority of the said trustees at a general meeting to be held for that purpose.

to be kept among the records, &c. Surplus to be applied in apprenticing sea-boys.

Fish bought in the market, may be sold in any other place.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any fishmonger, or other person or persons whatsoever, who shall buy any fish in the said market, to sell the same again in any other place or places, within the said city of *Westminster*, or elsewhere, being sound and wholesome fish, without any lett or disturbance from any person or persons whatsoever for so doing; any law or statute to the contrary thereof in any wise notwithstanding.

Contracts between fishermen and fishmongers before 29 Sept. 1749, declared void;

IX. And whereas the laws now in being have proved insufficient to prevent the monopolizing and forestalling of fish; be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty nine, all and every contract or contracts, which shall, before that time, have been made, and which are to take effect after the said twenty ninth day of *September*, one thousand seven hundred and forty nine, between any fishermen and fishmongers, or between any other persons whatsoever, in regard to the sale of fish to be afterwards sold by retale, shall be, and are hereby declared to be absolutely void; and all such contracts, which are or shall be made to take effect in part before the said twenty ninth

ninth day of September, one thouſand ſeven hundred and forty nine, ſhall be, and are hereby declared to be void, ſo far as they ſhall relate to, or be intended to take effect at any time ſubſequent to the ſaid twenty ninth day of September, one thouſand ſeven hundred and forty nine; and if from and after the ſaid twenty-ninth day of September, one thouſand ſeven hundred and forty nine, any fiſherman, fiſhmonger, or any other perſon or perſons, whatſoever, ſhall enter into, or make any contract or contracts for buying up fiſh to be ſold again by retale, before ſuch fiſh ſhall be brought to an open market, and there expoſed to publick ſale, ſuch contract or contracts are hereby declared to be abſolutely void; and each and every party ſo contracting, as well the buyer as the ſeller, ſhall forfeit and pay for every ſuch offence, the ſum of fifty pounds, to be recovered and levied in manner herein after-mentioned; one moiety whereof ſhall be paid to the ſaid truſtees appointed by this act, or any five or more of them, or their order, to be placed to the general account, to be appropriated as aforeſaid, and the other moiety to ſuch perſon or perſons as ſhall inform, ſue for, and recover the ſame.

Contracts to take effect in part before 29 Sept. to be void.

Penalty on contracting for fiſh to be ſold by retale, before the ſame ſhall be brought to market.

Application of the forfeiture.

X. Provided always, That if either of the parties ſo contracting as aforeſaid, ſhall, before any information made againſt him, inform againſt the other, ſuch party ſo informing, ſo as ſuch other party may be duly convicted of ſuch offence, ſhall not only be acquitted from the ſaid penalty, but ſhall alſo be intitled to ſue for in his, her, or their own name, and recover the whole forfeiture incurred by the other; one moiety thereof to be paid to the ſaid truſtees, and appropriated as aforeſaid; and the other moiety to ſuch perſon or perſons who ſhall ſue for and recover the ſame.

Either party informing, to be intitled to the forfeiture.

Application of the forfeiture.

XI. Provided always, That nothing in this act contained, ſhall extend, or be conſtrued to extend, to make void any contracts already made, or to prevent any contracts to be made by any fiſhmonger or fiſhmongers, or any perſon or perſons whatſoever, in regard to freſh ſalmon or ſoles brought by land carriage, or to oysters, or ſalt or dried fiſh.

Contracts for freſh ſalmon, ſoles, oysters, ſalt or dried fiſh to ſubſiſt.

XII. And leſt fiſhermen, and other perſons employed in catching, importing, or vending of fiſh, ſhould bring fiſh to Queenborough, Gravesend, or ſome other place or places in the river of Thames, and there keep it for a conſiderable time, and ſend only ſmall quantities, from time to time, to market, with a view to keep up the price of the ſeveral ſpecies of fiſh, which ſuch perſon or perſons reſpectively import or trade in; which practice will not only tend to enhance the value of fiſh, but alſo to render it unwholſome food, to the great prejudice of the conſumer, as well as the fiſhery in general; to prevent ſuch practices, be it further enacted by the authority aforeſaid, That if any fiſherman, or other perſon or perſons whatſoever, natives or foreigners, ſhall keep any fiſh at Queenborough, Gravesend, or other place or places, in any well-boat, ſtore-boat, or any other manner whatſoever, ſo as not to ſell off their whole cargoe of fiſh, within the ſpace of eight days, from their arrival

Penalty on fiſhermen not ſelling their fiſh within 8 days from their arrival on the coaſt

between Yar-  
mouth and  
Dover.

on the *British* coast, between *North Yarmouth* and *Dover*, after their first arrival at the respective place or places as aforesaid, every person or persons so offending, and being thereof lawfully convicted by the confession of the party, or the oath of one or more credible witness or witnesses, shall, for every such offence, forfeit the whole cargo of fish belonging to him, and also the vessel, with her tackle, apparel, and furniture, to be levied by distress and sale, by warrant under the hand and seal of any one or more of his Majesty's justices of the peace for the respective county where the offence shall be committed; which warrant or warrants the said justice or justices is and are hereby empowered and required to make, upon the information on oath of one or more credible witness or witnesses (which oath the said justice or justices is and are hereby empowered and required to administer;) and the said produce thereof shall go and be apportioned, one moiety to the use and benefit of the informer or informers, and the other moiety to the poor of the parish where the offence shall be committed.

Application of  
the forfeiture.

Commissioners  
for the  
Westminster  
Bridge, im-  
powered to  
make a grant  
of a piece of  
ground for  
the market.  
§1. purchase-  
money.

Property of  
the market  
vested in the  
trustees.

No trustee to  
accept of any  
place of profit.

On death or  
removal of  
trustees,  
others to be  
chosen.

XIII. *And whereas the commissioners for building a bridge cross the river Thames, from the New Palace Yard in the city of Westminster, to the opposite shore in the county of Surrey, are possessed of a piece of ground near Cannon Row in the said city of Westminster; which is conveniently situate for holding the said intended market; be it therefore enacted and declared by the authority aforesaid, That the said commissioners are hereby authorized and empowered to make a grant of the said piece of ground, to the trustees appointed by this act, and their successors, to be made use of for holding the said intended market; for the grant of which ground the said trustees shall pay the said commissioners the sum of five pounds, as the consideration or purchase-money for the same.*

XIV. And be it further enacted by the authority aforesaid, That the right and property of all the buildings, and the materials employed therein for making the said market commodious, shall be vested in the said trustees, appointed or to be appointed to put this act in execution, and they, or any five or more of them, are hereby authorized and empowered to bring actions, or prefer bills of indictment, against any person or persons who shall steal, take away, break down, or otherwise damage such building or materials employed therein.

XV. Provided always, and be it further enacted and declared, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting the same in execution, shall have or accept of any place of profit arising out of, or by reason of any sums by this act laid or granted; but such person or persons shall be incapable of acting as a trustee or trustees from the time of his accepting, and during the enjoyment of such place of profit as aforesaid.

XVI. And for continuing a sufficient number of trustees for putting this act in execution, be it further enacted by the authority aforesaid, That when and as often as any trustee or trustees

trustees ſhall die, or, by writing under his or their hand, reſuſe to act, it ſhall and may be lawful for ſuch of the ſaid trustees as ſhall then ſurvive or remain, or any ſeven or more of them, at any general meeting, by any writing or writings under their hands and ſeals, to elect, nominate, and appoint one or more fit perſon or perſons in the room or place of ſuch trustee or trustees ſo dying or reſuſing to act as aforeſaid; and ſuch perſon or perſons ſo elected, nominated, or appointed, ſhall be joined with ſuch ſurviving or remaining trustees, in execution of all and every the powers in them repoſed by virtue of this

XVII. And be it further enacted by the authority aforeſaid, <sup>First meeting of the trustees.</sup> That the firſt meeting of the ſaid trustees ſhall be on the ſecond *Monday in July*, at the houſe known by the name of the *King's Arms* in the *New Palace Yard*, in the city of *Westminster*; and they ſhall have power to adjourn their ſucceeding meetings, from time to time, and to ſuch places, as they ſhall think fit.

XVIII. And be it further enacted by the authority aforeſaid, <sup>Bonds for not suing for any penalty, declared void.</sup> That all bonds, or other ſecurities whatſoever, to be entered into, or given, for not ſuing or recovering any penalty or forfeiture incurred or to be incurred by virtue of this act, ſhall be, and they are hereby declared to be abſolutely null and void; any law, ſtatute, cuſtom, or uſage to the contrary notwithstanding.

XIX. And be it further enacted by the authority aforeſaid, <sup>Forfeitures how to be recovered and applied.</sup> That all penalties and forfeitures incurred or inflicted by virtue of this act, if not otherwiſe by this act directed to be recovered, ſhall and may be proſecuted and recovered by action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record at *Westminster*; wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance ſhall be allowed; and ſuch forfeitures ſhall go and be applied (if not otherwiſe directed by this act) one moiety thereof to the perſon or perſons who ſhall inform, ſue for, or recover the ſame; and the other moiety to the poor of the pariſh where the cauſe of action ſhall ariſe.

XX. Provided always, and be it further enacted by the authority aforeſaid, <sup>Limitation of actions.</sup> That if any action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance of this act, every ſuch action or ſuit ſhall be brought within ſix months next after the fact committed, and not afterwards; and ſhall be laid or brought in the county or place where ſuch offence ſhall be committed, and not elſewhere; and the defendant or defendants, in every ſuch action or ſuit ſo to be brought, ſhall and may plead the general iſſue, not guilty, and give this act, <sup>General iſſue.</sup> and the ſpecial matter in evidence, at any trial to be had thereupon; and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, or that ſuch action or ſuit ſhall be brought after the time limited for bringing the ſame as aforeſaid, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff or plaintiffs ſhall become nonſuited, or diſcontinue

his action, after the defendant or defendants shall have appeared, or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any case by law.

Treble costs.

XXI. *And whereas by an act of the first year of the reign of his late majesty King George the First, intituled, 'An act for the better preventing fresh fish taken by foreigners being imported into this kingdom; and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbets in foreign bottoms; and for the better preservation of salmon within several rivers in that part of this kingdom called England; it is enacted, That no bret, turbet, bril, or pearl, codlin, whiting, mull, bass, plaice, soles, or flounders, which shall not be of the several lengths or sizes therein described, shall be sold, offered or exposed to sale, or exchanged for any other goods, in that part of Great Britain called England: and whereas several of the said fish are taken with a hook, and though thrown again into the sea, cannot be preserved alive; be it enacted by the authority aforesaid, That fish under such dimensions, as are prohibited by the said recited clause, may be exposed to sale, or exchanged for any other goods, provided such fish are taken with a hook, and so not fit or capable of being preserved alive; any thing contained in the said recited act to the contrary notwithstanding.*

Fish under size, if taken with a hook, may be sold.

#### CAP. L.

An act for the better repairing the highways, and cleansing the streets, within the parish of Saint Leonard Shoreditch, in the county of Middlesex; and for better enlightening the open places, streets, lanes, passages, and courts there; and regulating the nightly watch, and bedels, within the said parish.

#### CAP. LI.

An act for enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the town of Stockton upon Tees to Darlington, and from thence through Winkon to Barnard Cattle in the same county, and for the effectual amending of the same.

*The act 20 Geo. 2. c. 25. continued for 15 years.*

#### CAP. LII.

*An act for vesting the several estates of James late earl of Derwentwater, and Charles Radcliffe, deceased, comprized in several settlements therein mentioned, in trustees, for an absolute estate of inheritance, for the benefit of the royal hospital at Greenwich; and for raising certain sums of money out of part of the said estates, for the relief of the children of the said Charles Radcliffe.*

WHEREAS by indentures of lease and release, the lease bearing date the day next before the day of the date of the release, and the release being quadripartite, bearing date the twenty fourth day of March, Anno Domini one thousand six hundred and ninety

one, and made between the right honourable Francis late earl of Derwentwater of the first part; the right honourable Edward Radcliffe esquire, by the name of Edward lord viscount Radcliffe and Langley, eldest son and heir apparent of the said earl, of the second part; the honourable Francis Radcliffe, Thomas Radcliffe, William Radcliffe, and Arthur Radcliffe, esquires, younger sons of the said Francis earl of Derwentwater, of the third part; and Sir John Lawson, baronet, and Francis Tunstall esquire, of the fourth part; all that the manor and lordship of Alstone, alias Aldstone Moore, and Garrigill, and all and every the rights, members, and appurtenances thereunto belonging, situate, lying, and being in the county of Cumberland; and all those messuages, lands, and tenements, situate, lying, and being in Corbridge, in the county of Northumberland; and all those two parts, the whole in three parts to be divided, of the manor and lordship of Newton Hall in the said county of Northumberland, with the appurtenances; and all that messuage or tenement, with the appurtenances, called Shewing Sheels, lying in the county of Northumberland aforesaid; and all that tenement or farmhold, with the appurtenances, called Blackaburne, lying in the said county of Northumberland; and all those messuages, lands, and tenements, with the appurtenances, situate, lying, and being in Alnwick in the said county of Northumberland; and all that moiety or one half part of the village or township of Buteland, lying and being in the parish of Chollerton and county of Northumberland aforesaid, and all the lands and grounds thereunto belonging; and also the moiety of one tenement or farmhold, with the appurtenances, called Broomeup, lying and being in the parish and county aforesaid, and all the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold, with the appurtenances, called The Steele, and the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold with the appurtenances called Hindhaugh, lying and being in the parish and county aforesaid, and all the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold, with the appurtenances, called The Pallin, lying and being in the parish and county aforesaid, and all the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold, with the appurtenances, called The Stidley Hill, lying and being in the parish of Cossenfyde in the county aforesaid, and all the lands and grounds thereunto belonging; and all those messuages, lands, and tenements, situate, lying, and being in Leehouses, Spittle, New-Biggin, Wooley, East Whitleys, West Whitleys, Lefsbury, Kirke Whelpington; one water corn mill called Wooley Mill; all situate, lying, and being in the said county of Northumberland; and all those rectories and parsonages of Kirke Whelpington, Harburne, alias Hartburne, and Midford, lying and being in the said county of Northumberland; and all the glebe lands, tythes, oblations, obventions, profits, and benefactions whatsoever, to the said several rectories and parsonages belonging, or in any wise appertaining; and also those the corn tythes of Broxfield, Lurbittle, and Whinnetly, with their and every of their appurtenances, situate, lying, and being in the said county of

Northumberland; were, for the conſiderations in the ſaid recited indenture quadripartite mentioned, ſetled, limited, and aſſured, to the uſe of the ſaid Francis earl of Derwentwater, for his life, without impeachment of waſte; and after his death, and ſubject to a truſt for raiſing five thouſand pounds for the right honourable the lady Mary Radcliffe, daughter of the ſaid earl of Derwentwater, and to the ſeveral annuities of five hundred pounds, four hundred pounds, two hundred pounds, and three hundred pounds, payable to Francis Radcliffe, Thomas Radcliffe, William Radcliffe, and Arthur Radcliffe, the four younger ſons of the ſaid Francis earl of Derwentwater, for their reſpective lives, to the uſe of the ſaid Edward lord viſcount Radcliffe and Langley, for his life, without impeachment of waſte; remainder to the honourable James Radcliffe eſquire, for his life, without impeachment of waſte; remainder to his firſt and other ſons, in tail male, ſucceſſively; remainder to the honourable Francis Radcliffe eſquire, ſecond ſon of the ſaid Edward lord viſcount Radcliffe and Langley, for his life, without impeachment of waſte; remainder to the firſt and other ſons of the laſt named Francis Radcliffe, in tail male, ſucceſſively; remainder to the third, fourth, fifth, ſixth, ſeventh, eighth, ninth, and tenth ſons of the ſaid Edward lord viſcount Radcliffe and Langley, in tail male, ſucceſſively; remainder to the ſaid Francis Radcliffe, ſecond ſon of the ſaid Francis earl of Derwentwater, for his life, without impeachment of waſte; remainder to his firſt and other ſon and ſons, in tail male, ſucceſſively; remainder to the ſaid Thomas Radcliffe, for his life, without impeachment of waſte; and after his death to his firſt and other ſon and ſons, in tail male, ſucceſſively; remainder to the ſaid William Radcliffe, for his life, without impeachment of waſte; remainder to his firſt and other ſons, in tail male, ſucceſſively; remainder to the ſaid Arthur Radcliffe, for his life, without impeachment of waſte; remainder to his firſt and other ſons, in tail male, ſucceſſively; remainder to the heirs of the body of the ſaid Francis earl of Derwentwater; remainder to the right heirs of the ſame Francis earl of Derwentwater for ever: and whereas the ſaid Francis earl of Derwentwater is long ſince dead; and upon his death the ſaid Edward called viſcount Radcliffe and Langley, his ſon and heir, became earl of Derwentwater; and the ſaid Edward is alſo long ſince dead; and upon his death the ſaid James Radcliffe, his ſon and heir, became earl of Derwentwater: and whereas by indentures of leaſe and releaſe, the leaſe bearing date the day next before the day of the date of the releaſe; and the releaſe being ſextipartite, bearing date the twenty fourth day of June, Anno Domini one thouſand ſeven hundred and twelve, and made between James late earl of Derwentwater, of the firſt part; Sir John Webbe baronet, and the honourable dame Barbara his wife, and Anna Maria Webbe, eldeſt daughter of the ſaid Sir John Webbe, of the ſecond part; the right honourable Otho earl of Plymouth, and the right honourable Richard earl of Scarborough, of the third part; the right honourable Thomas lord viſcount Faulconberge, and John Radcliffe of London, doctour in phyſick, of the fourth part; the right honourable William lord Widdrington (who was afterwards attainted of high treaſon)

and

and Nevil Ridley gentleman, of the fifth part; and the honourable Francis Radcliffe and Charles Radcliffe, esquires, brothers of the said James late Earl of Derwentwater, of the sixth part; in consideration of a marriage then intended, and which soon after took effect, and was solemnized between the said James earl of Derwentwater and Anna Maria Webbe; and for other considerations in the said indenture of six parts mentioned; all that the barony, manor, or lordship of Langley, with the rights, members, and appurtenances thereof, in the county of Northumberland; and all and singular messuages, farms, lands, tenements, and hereditaments whatsoever, part and parcel, or reputed part and parcel of the said barony or lordship of Langley, or as part, parcel, or member thereof, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; and also all those the manors of Wittingstall, alias Quittingstall, and Newlands, Dilston alias Develston, Aydon Shields, Warke, Elrington, and Meldon, and every of them, with their and every of their rights, members, and appurtenances, in the said county of Northumberland; and also all and singular messuages, granges, farms, lands, tenements, and hereditaments whatsoever, part and parcel, or reputed part and parcel of the said manors, every or any of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied or enjoyed, and every of them, with their appurtenances; and all those the manors, or reputed manors of Spindleston and Utchester, Throckley, Coastley, Middleton Hall, East Thornton alias Thornton East, Westwood, and Thornborough, and every of them, with their and every of their rights, members, and appurtenances in the said county of Northumberland: and also all and singular messuages, granges, farms, lands, meadows, pastures, feedings, tenements, and hereditaments whatsoever, part and parcel, or reputed part or parcel of the said last-mentioned manors, or reputed manors, every or any of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; all and singular which said barony, manors, or reputed manors, messuages, granges, farms, lands, tenements, hereditaments, and premises before-mentioned, are situate, lying and being in Langley, Whittingstall alias Quittingstall, Newlands, Dilston alias Develston, Aydon Shields, Warke, Elrington, Meldon, Spindleston, Utchester, Throckley, Coastley, Middleton-Hall, Thornton East, Westwood, Thornborough, Netherwarden, Haydon Bridge, Bywell Saint Andrew, Bywell Saint Peter, Corbrigg, Newton Hall, Hexam, Symondburne, Haltwhistle alias Holtwhistle, Kirkhaugh, Knarefdall, Witfield, Balam, Balmbrough, Newbourn, Wooler, Ovingham, and Staley, some or one of them, or some other town or towns thereto adjoining, in the said county of Northumberland; and also all that the advowson of the church of Symondburne, with the appurtenances in the said county of Northumberland; and also all those the manors, or reputed manors of Castlerigg and Derwentwater, alias Kefwick, and Thornthwaite, with their and every of their rights, members, and appurtenances in the county of Cumberland; and also all and singular messuages, granges, farms, lands, meadows,



pastures, feedings, woods, underwoods, tenements, and hereditan whatſoever, part and parcel, or reputed part and parcel of the ſaid laſt-mentioned manors of Caſtlerigg and Derwentwater, alias Keſwick, and Thornthwaite, or any part of them, or as part, parcel, or member of them, or any of them, demised, leſſen, uſed, occupied, or enjoyed, and every of them, with their appurtenances; which ſaid manors and premiſſes laſt-mentioned are lying and being in Craſhthwaite and Keſwick, or one of them, or ſome other town or towns thereto next adjoining, in the ſaid county of Cumberland; and alſo all that the manor of Scremerſton, with the rights, members, and appurtenances, in the county palatine of Durham; and all and ſingular meſſuages, granges, farms, lands, tenements, and hereditaments whatſoever, to the ſaid laſt-mentioned manor belonging or appertaining, or thereof reputed part or parcel, or therewith demised, uſed, letten, or enjoyed, and every of them, with their appurtenances; which ſaid manor and premiſſes laſt-mentioned are ſituate, lying, and being in Scremerſton, Holy Iſland, Auncroft alias Auncraſt, Weedmouth, Norham, and Lowick, or ſome or one of them, or ſome other town or towns thereunto next adjoining, within the ſaid county palatine of Durham; and alſo all and ſingular other the meſſuages, granges, farms, lands, meadows, paſtures, feedings, woods, underwoods, tenements, and hereditaments whatſoever, late the eſtate of the ſaid James late earl of Derwentwater, or whereof he was ſeiſed of any eſtate of inheritance in poſſeſſion, reverſion, remainder or expectancy, ſituate, lying, and being within the ſaid ſeveral barony, manors, towns, villages, territories, or hamlets of Langly, Wittingſhall alias Quittingſhall, Newlands, Diſlton otherwiſe Develſton, Aydon Shields, Warke, Elrington, Meldon, Spindleſton, Utcheſter, Throckley, Coaſtley, Middleton Hall, Thornton Eaſt, Weſtwood, and Thornborough, every or any of them, in the ſaid county of Northumberland; or of Caſtlerigg, Derwentwater, Thornthwaite and Keſwick, Craſhthwaite and Keſwick, or every or any one of them, in the ſaid county of Cumberland; or of Scremerſton in the ſaid county palatine of Durham, and every of them, with their appurtenances; were ſettled, limited, and aſſured to take effect, after the ſolemnization of the ſaid intended marriage, and ſubject to a term of ninety nine years, limited of part of the premiſſes, which is ſince determined, to the uſe of the ſaid James earl of Derwentwater for life, without impeachment of waſte; and after his death, and ſubject to a rent charge of one thouſand pounds thereby limited to the ſaid Anna Maria for her life, for her jointure, and after her death, and ſubject to a term of two hundred years, which is ſince determined, to the uſe of the firſt, ſecond, third, and all and every other the ſon and ſons of the ſaid James late earl of Derwentwater, on the body of the ſaid Anna Maria, in tail male, ſucceſſively; remainder to the ſaid Otho earl of Plymouth, and William lord Widdrington, their executors, administrators, and aſſigns, for a term of five hundred years, in truſt, for raiſing twenty thouſand pounds, for the portion and portions of the daughter and daughters of the ſaid James late earl of Derwentwater, by the ſaid Anna Maria, in caſe of ſucceſſion of iſſue male between them, to be paid at ſuch times, and in ſuch

such manner, and with such maintenance, as is therein mentioned; and after the determination of the said term of five hundred years, to the use of the said James late earl of Derwentwater, and the heirs male of his body, remainder to Francis Radcliffe, brother to the said James late earl of Derwentwater, for life; and after his death, to his first and other sons in tail male successively; remainder to Charles Radcliffe, youngest brother of the said James late earl of Derwentwater, for his life; remainder to the said Otho earl of Plymouth, and Thomas lord Faulconberge, and their heirs, during the life of the said Charles Radcliffe, in trust, to preserve the contingent remainders; remainder to the first and other sons of the said Charles Radcliffe, in tail male, successively; remainder to the said James late earl of Derwentwater, his heirs and assigns for ever: and whereas by deed poll, under the hand and seal of the said Edward earl of Derwentwater, bearing date the twenty fourth day of June, one thousand six hundred and ninety nine, the said Edward earl of Derwentwater, in pursuance of a power given and reserved to him in and by a settlement made on his marriage with the lady Mary Tudor, did grant, limit, and appoint an annuity or yearly rent charge of two hundred pounds unto, and for the benefit of his youngest son Charles Radcliffe, during his life, payable half-yearly, and charged upon, and issuing out of divers manors, lands, tenements, and hereditaments, in the county of Northumberland, therein particularly described as part of the premises herein before mentioned: and whereas the said Edward earl of Derwentwater left issue three sons, videlicet, James late earl of Derwentwater, the said Francis Radcliffe and Charles Radcliffe, who was born after the first recited settlement: and whereas the said Francis Radcliffe, the second son of the said Edward earl of Derwentwater, and the said Francis Radcliffe and Thomas Radcliffe, two of the younger sons of the said Francis earl of Derwentwater, all died without issue in the lifetime of the said James earl of Derwentwater: and whereas the said James late earl of Derwentwater was attainted of high treason, after the twenty fourth day of June, one thousand seven hundred and fifteen, and before the twenty fourth day of June, one thousand seven hundred and eighteen; (that is to say) on or about the ninth day of February, one thousand seven hundred and fifteen, and on the twenty fourth of the same February, was executed; and the said Anna Maria his wife, late countess of Derwentwater, died on or about the nineteenth day of August, one thousand seven hundred and twenty three; and the said James late earl of Derwentwater left issue by the said Anna Maria one son named John, and one daughter named Anna Maria: and whereas the said William Radcliffe and Arthur Radcliffe died without issue since the said attainder: and whereas the said Charles Radcliffe was also attainted of high treason, after the twenty fourth day of June, one thousand seven hundred and fifteen, and before the twenty fourth day of June, one thousand seven hundred and eighteen; that is to say, on the eighteenth day of May, in the year of our Lord one thousand seven hundred and sixteen; and the said Charles Radcliffe was, on the eighth day of December, one thousand seven hundred and forty six, executed for the treason by him committed

2 Geo. 2. c. 50.

committed as aforeſaid: and whereas by an Act made in the firſt year of the reign of his late majeſty King George the Firſt, (intituled, An act for appointing commiſſioners to inquire of the eſtates of certain traitors, and of popiſh recusants, and of eſtates given to ſuperſtitious uſes, in order to raiſe money out of them ſeverally for the uſe of the publick) it was enacted, That all and every the caſtles, honours, lordſhips, manors, meſſuages, lands, tenements, rents, reverſions, ſervices, remainders, poſſeſſions, royalties, franchises, jurisdictions, and privileges whatſoever, and all appurtenances to them, or any of them belonging, or any wiſe appertaining; and all rights of entry, rights of aſſiſe, titles, conditions, uſes, truſts, powers, and authorities; and all leaſes for life, lives, or years, penſions, annuities, rents, charges, and hereditaments whatſoever, and of what nature or kind ſoever in Great Britain, Ireland, or elſewhere, whereof any perſon or perſons who, ſince the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and fifty ſeven attained, or before the twenty fourth day of June, in the year of our Lord one thouſand ſeven hundred and eighteen, ſhould be attainted for high treaſon committed before the firſt day of June, one thouſand ſeven hundred and ſixteen, within Great Britain, or elſewhere, was, were, or ſhould have been ſeiſed or poſſeſſed of, or intereſted in, or intitled unto, on the twenty fourth day of June, one thouſand ſeven hundred and fifteen, or at any time afterwards, in his, her, or their own right, or to his, her, or their own uſe, or whereof any other perſon or perſons was, were, or ſhould have been ſeiſed or poſſeſſed of, or intereſted in, to the uſe of, or in truſt for them, or any of them, on the ſaid twenty fourth day of June, one thouſand ſeven hundred and fifteen, or at any time afterwards, ſhould ſtand and be forfeited to his Majeſty, his heirs and ſucceſſors, and ſhould be deemed, veſted, and adjudged to be in the actual and real poſſeſſion of his Majeſty, without any office or inquiſition thereof, thereafter to be taken or found; all which ſaid caſtles, honours, manors, lands, tenements, rents, reverſions, hereditaments, and other the premiſſes, according to the ſeveral and reſpective eſtates and intereſts, which the ſaid perſons attained, or to be attained, within ſuch days and times as aforeſaid, or any in truſt for them, or any of them, or to their or any of their uſe or uſes, had, or ſhould have had therein as aforeſaid, were thereby declared and enacted to be ſo veſted in his Majeſty, his heirs and ſucceſſors, for the uſe of the publick: and to the intent that the ſame, and the profits and proceed thereof, ſhould be diſpoſed and applied to the uſe and benefit of the publick, and in eaſe of his Majeſty's good ſubjects, according to ſuch act and acts of parliament as ſhould thereafter be made and paſſed in that behalf; and that where any of the perſon or perſons attained, or to be attained, within ſuch days and times as aforeſaid, were ſeiſed of an eſtate tail in poſſeſſion, in any ſuch caſtles, honours, manors, meſſuages, lands, tenements, rents, hereditaments, or other the premiſſes, the ſame were thereby enacted and declared to be veſted in his Majeſty, his heirs and ſucceſſors, in fee ſimple, to the end the ſame might be abſolutely ſold, diſpoſed, or applied, according to ſuch act or acts of parliament as ſhould thereafter be made in that behalf; and all and every perſon and perſons (other than and except all ſuch forfeiting perſons as aforeſaid,

aforeſaid, and the heirs, executors, administrators, and aſſigns of every of them; and all perſons having or claiming any thing in the premiſſes, or any part thereof, to the uſe of, or in truſt for any ſuch forfeiting perſons, or their or any of their heirs, executors, or administrators; and ſuch perſons who had or might claim any eſtate, which was in reverſion or remainder, expectant on the determination of any eſtate tail, whereof a forfeiting perſon was ſeiſed as aforeſaid, on the ſaid twenty fourth day of June, one thouſand ſeven hundred and fifteen, or at any time ſince, always excepted) having any eſtate, right, title, intereſt, uſe, truſt, poſſeſſion, reverſion, remainder, office, annuity, ſervice, rent, debt, benefit, charge, or incumbrance in law or equity, in, to, out of, or upon any caſtles, honours, manors, meſſuages, lands, tenements, rents, hereditaments, or real eſtate, or any other the premiſſes in Great Britain, Ireland, or elſewhere, therein beſore veſted in his Majeſty, by or under any ſettlement, conveyance, judgment, ſtatute, recognizance, extent, or other debt, charge, or incumbrance, affecting the ſame eſtate, before the reſpective days and times whereon the ſame were veſted in his Majeſty as aforeſaid, were, on or before the twenty fourth day of June, one thouſand ſeven hundred and ſeventeen (and which time, by another act of parliament made in the third year of the reign of his ſaid late Majeſty, intituled, An act to enlarge the time for making claims before the com-  
Geo. 1. c. —  
 miſſioners appointed to inquire of the forfeited eſtates, was enlarged to the firſt day of February, one thouſand ſeven hundred and ſeventeen) to enter all their reſpective claims and demands thereof before certain commiſſioners appointed by the ſaid act, or any four or more of them reſiding in England or Scotland reſpectively, in the manner in the ſaid act mentioned; or in default thereof, every ſuch eſtate, right, title, intereſt, uſe, poſſeſſion, reverſion, remainder, office, annuity, ſervice, rent, debt, benefit, charge, or incumbrance, in, to, out of, or upon the ſaid premiſſes, or any part thereof, was thereby declared to be null and void; and the eſtate or eſtates liable unto, or charged therewith, were from thenceforth to be freed, acquitted, and diſcharged of and from the ſame: and whereas by another act of parliament made in the fourth year of the reign of his ſaid late majeſty  
4 Geo. 1. c. 8.  
 King George the Firſt (intituled, An act for veſting the forfeited eſtates in Great Britain and Ireland in truſtees, to be ſold for the uſe of the publick, and for giving relief to lawful creditors, by determining the claims, and for the more effectual bringing in- to the reſpective exchequers the rents and profits of the ſaid eſtates till ſold) it was enacted, That all and every the caſtles, honours, lordſhips, manors, meſſuages, lands, tenements, rents, reverſions, ſervices, remainders, poſſeſſions, royalties, franchises, jurisdictions, and privileges whatſoever, and all appurtenances to them, or any of them, belonging, or in any wiſe appertaining; and all rights of entry, rights of action, titles, conditions, uſes, truſts, powers, and authorities; and all leaſes for life, lives, or years, penſions, annuities, rents, charges, and hereditaments whatſoever, and of what nature or kind ſoever, not diſpoſed of according to the directions of the ſaid firſt-re- cited act, in Great Britain, Ireland, or elſewhere, which by the ſaid ſecond act were veſted, or intended to be veſted, in his Majeſty, his  
heirs.

heirs and fucceffors, as aforefaid, for the ufe of the publick, fhould be, and were thereby, vefted and fettled in the actual and real poffeffion and feifin of Richard Grantham efquire, George Treby efquire, Arthur Ingram efquire, George Gregory efquire, Sir Richard Steele knight, Sir Henry Houghton baronet, Patrick Haldane efquire, Sir Thomas Hales baronet, Robert Munro efquire, Henry Cunningham efquire, Denis Bond efquire, John Birch ferjeant at law, and Sir John Eyles baronet, and their heirs, executors, administrators, and affigns refpectively, from the twenty fifth day of March, one thoufand feven hundred and eighteen, according to the feveral eftates and interefts vefted or intended to be vefted in his Majefty by the faid former act; to the end the fame might be bargained, fold, difpofed of, and applied by the faid trustees, and the furvivors of them, to and for the ufes in the faid recited act, or in the faid act of the fourth year of his faid late Majefty's reign after ~~mentioned~~ and declared: and it was by the faid laft recited act further enacted, That from and after the faid twenty fifth day of March, one thoufand feven hundred and eighteen, the faid commissioners and trustees, or any four or more of them, refiding in England, Scotland, or Ireland, refpectively, fhould and were thereby enabled and required, at any time or times, to fell all and fingular the eftates and interefts vefted in them as aforefaid; (that is to fay) fuch of the faid eftates and interefts, concerning which no claims fhould be or had been entered within the times limited for that purpofe, as foon as conveniently might be after the faid twenty fifth day of March, one thoufand feven hundred and eighteen; and fuch of the faid eftates and interefts for or concerning which any claims had been or fhould be entered, as aforefaid, as foon as conveniently might be after fuch claims relating to fuch eftates or interefts refpectively fhould be determined; the faid fates to be made to any perfon or perfons being proteftants, bodies politick or corporate, their heirs, fuccelfors, executors, administrators or affigns (other than the faid commissioners and trustees, or their officers refpectively, or any others in truft for them) who fhould become purchafers or purchafers thereof, for fuch eftate and intereft therein refpectively, as was therein before vefted in the faid commissioners and trustees: and the faid commissioners and trustees, or any four or more of them, refiding in England, Scotland, or Ireland, refpectively, being certified of the payment of the price agreed upon into the receipt of his Majefty's exchequers in England and Scotland refpectively, were to execute an indenture or contract of bargain and fale of the parcels bought and paid for to the buyers thereof, for fuch eftate or intereft therein as the faid commissioners and trustees, or any four or more of them refiding in England, Scotland, or Ireland refpectively, fhould have contracted to fell the fame; and all and every purchafers or purchafers, his, her, or their heirs, fuccelfors, executors, administrators and affigns, were to hold and enjoy fuch parts and parcels of the premisses as fhould be fo purchafed and conveyed for fuch eftate and intereft therein refpectively, as fhould be conveyed by the faid commissioners and trustees, or any four or more of them, in fuch indenture or contract of bargain and fale, freed and difcharged of and from all arrears of quit-rents, crown-rents, feu duties and chiefries, at any time due,

sued on to grow due before the date of such respective conveyances,  
 and of and from all other claims and demands of his Majesty, his heirs  
 and successors; and of the said commissioners and trustees, their heirs,  
 executors, administrators, and assigns, and of all and every other per-  
 son or persons whatsoever, other than and except such claims and de-  
 mands which should be allowed by the said commissioners and trustees,  
 or any four or more of them, or the court of delegates (which, by the  
 said last recited act, his said late Majesty was impowered to appoint,  
 for bearing and determining such appeals as should be made by any  
 claimant from any judgement, determination, or decree of the said  
 commissioners and trustees, or any four or more of them) on the deter-  
 mination of such claims as aforesaid: and whereas the aforesaid John  
 Radcliffe, son of the said James late earl of Derwentwater, did, by  
 his mother and guardian the said Anna Maria, late countess of Der-  
 wentwater, on or about the first day of March, one thousand seven  
 hundred and sixteen, exhibit two several claims before the commission-  
 ers appointed by the said recited act of the first year of his said  
 late Majesty's reign; by one of which the said John Radcliffe  
 claimed the manors, lands, and hereditaments, comprized in the said  
 settlement of the twenty fourth day of March, one thousand six hun-  
 dred and ninety one, as the right and inheritance of him the said  
 claimant, and the heirs male of his body; and by the other of the said  
 claims, the said John Radcliffe claimed the manors, lands, and he-  
 reditaments, comprized in the said indenture of release of the twenty  
 fourth day of June, one thousand seven hundred and twelve (subject  
 to the aforesaid rent charge, and to the said term of two hundred years,  
 and the trusts thereof) as the right and inheritance of him the said claim-  
 ant, and the heirs male of his body: which claims coming afterwards  
 on to be heard before the said commissioners, the claim made by the said  
 John Radcliffe to the manors, lands, and hereditaments, comprized  
 in the said settlement of the twenty fourth day of March, one thou-  
 sand six hundred and ninety one, was allowed; and the claim made  
 by him to the manors, lands, and hereditaments, comprized in the  
 said settlement of the twenty fourth day of June, one thousand seven  
 hundred and twelve, was dismissed: but the decree made by the said  
 commissioners for dismissing the same was, upon an appeal made to the  
 court of delegates, appointed by his said late Majesty by virtue of the  
 said recited act, made in the fourth year of his reign, reversed, and  
 the said last mentioned claim was, by the said court allowed: and  
 whereas by an act made in the ninth year of the reign of his said late  
 majesty King George the First (intituled, An act to continue the  
 duties for encouragement of the coinage of monies; and for re-  
 lief of William late lord Widdrington; and to prevent foreign lot-  
 teries being carried on in this kingdom; and for ascertaining the  
 duties on bound books imported; and for issuing certificates and  
 debentures for arrears due to five regiments, to be satisfied by  
 annuities therein mentioned; and for discharging the duties of  
 rock salt lost on the rivers Weaver and Mersey; and for limiting  
 the times of continuance of commissioners for forfeited estates  
 in England and Scotland respectively; and for appropriating the  
 supplies

supplies granted to his Majesty in this session of parliament; and to rectify misnomers and omissions of commissioners for the land tax in the year one thousand seven hundred and twenty three) after reciting, That all the claims entered before the commissioners and trustees in England were heard and determined, and the appeals from the decrees of the said commissioners and trustees in England, were also finally determined, it was enacted, That the forfeited estates in England, by any former act or acts of parliament vested in the said commissioners and trustees, which should remain unsold from and after the twenty ninth day of September, one thousand seven hundred and twenty three, were thereby divested out of the said commissioners and trustees, and vested in the King's majesty, his heirs and successors, for the use of the publick: and whereas by indenture bearing date the twenty eighth day of September, anno domini one thousand seven hundred and twenty three, and made or mentioned to be made between the said George Gregory, Sir Thomas Hales, Henry Cuningham, Denis Bond, John Birch, and Sir John Eyles, commissioners and trustees, nominated and appointed for putting in execution the powers and authorities relating to the forfeited estates in England and Ireland, enacted by the two acts of parliament herein first-mentioned, of the one part, and William Smith of Billiter Square, London esquire, of the other part, reciting the marriage settlement of the said James late earl of Derwentwater; and that the estate for life so limited, as aforesaid to the said Charles Radcliffe, of and in all and singular the said premises mentioned in the said recited settlement of the twenty fourth day of June one thousand seven hundred and twelve, in remainder, after the death of the said John Radcliffe without issue male of his body, was vested in the said commissioners and trustees for the uses in the said acts mentioned; and that the reversion in fee of the same premises, so limited to the right heirs of the said James late earl of Derwentwater, was also vested in the said commissioners and trustees for the same uses, the said George Gregory, Sir Thomas Hales, Henry Cuningham, Denis Bond, John Birch, and Sir John Eyles, pursuant to the said act of parliament of the fourth year of his said late Majesty, and in execution of the trust thereby in them reposed, and of the powers and authorities to them, or any four or more of them, thereby given: and for and in consideration of one thousand and sixty pounds, for which the said William Smith contracted with the said commissioners and trustees for the purchase of all and singular the premises, during the life of the said Charles Radcliffe, without impeachment of waste, and for and during so long as the said Charles Radcliffe should have issue male of his body, in remainder, expectant on the death of the said John Radcliffe without issue male; and also the reversion in fee of and in the said premises limited to the said James late earl of Derwentwater, did bargain and sell all and singular the said barony, manors, lordships, rectories, parsonages, mines, collieries, messuages, lands, tenements, hereditaments, and premises, comprized in the said indenture of release, bearing date the twenty fourth day of June, one thousand seven hundred and twelve, and every part and parcel thereof, with their and every of their appurtenances, unto the said William Smith

Smith (whom the said commissioners and trustees did declare and confirm the purchaser thereof, he having bid most for the same on the publick sale, by cant or auction had for that purpose, according to the last mentioned act of parliament) and his heirs, to hold to him, his heirs, and assigns (in case the said John Radcliffe should happen to die without heirs male of his body begotten) for and during the natural life of the said Charles Radcliffe, without impeachment of waste; and for and during so long as the said Charles Radcliffe, should have heirs male of his body lawfully to be begotten and on failure of issue male of the said Charles Radcliffe, to hold the same premises unto the said William Smith, his heirs and assigns, to the use of him, his heirs, and assigns, for ever: and whereas by another indenture, bearing date the said twenty eighth day of September, one thousand seven hundred and twenty three, and made between the same commissioners and trustees, of the one part; and the said William Smith, of the other part; reciting the settlement of the twenty fourth day of March, one thousand six hundred and ninety one; and that by the attainder of the said James late earl of Derwentwater, and the act of parliament afore-mentioned, the reversion in fee, of all the premises in the said settlement comprized, was vested in the said commissioners and trustees; and by the attainder of the said Charles Radcliffe, and the said act of parliament, the remainder in tail, limited to him in the same premises, expectant on the death of the said John Radcliffe without issue male of his body, was also vested in the said commissioners and trustees, the said George Gregory, Sir Thomas Hales, Henry Cuninghame, Denis Bond, John Birch, and Sir John Eyles, in execution of the powers and authorities afore-mentioned; and for and in consideration of one thousand and sixty pounds, for which the said William Smith contracted with them, not only for the purchase of the same premises, for the remainder in tail male, so forfeited by the attainder of the said Charles Radcliffe, and the reversion in fee, so forfeited by the attainder of the said James late earl of Derwentwater, but also for the purchase of a remainder limited by another settlement to the said Charles Radcliffe, and his issue male, and the reversion in fee to the said James late earl of Derwentwater, of and in the barony of Langley, and divers lands and hereditaments, mentioned in the indenture of bargain and sale, herein last before recited, did bargain and sell all and singular the manors, lordships, hamlets, messuages, lands, tenements, mills, rectories, tythes, and other the premises, in the said settlement of the twenty fourth day of March, one thousand six hundred and ninety one, comprized with their and every of their appurtenances, unto the said William Smith (whom the said commissioners and trustees did thereby declare and confirm the purchaser thereof, he having bid most for the same on the publick sale, by cant or auction had for that purpose, according to the last-mentioned act of parliament) and his heirs, to hold to him, his heirs and assigns (in case the said John Radcliffe should happen to die without issue male of his body) for and during the natural life of the said Charles Radcliffe, and so long as he should have issue male of his body; and in case the said William Radcliffe, and Arthur Radcliffe, should both happen to die without issue male of their respective bodies, then to hold the same premises unto the said

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3 Geo. 2. c. 23.

William Smith, his heirs and assigns, to the use of him, his heirs and assigns for ever; and whereas the said John Radcliffe departed this life in or about the year one thousand seven hundred and thirty one, before he attained his age of twenty one years, without issue, and unmarried: and whereas by an act made in the fifth year of the reign of his present Majesty (intituled, An act for making void the several contracts for sale of the estate of James late earl of Derwentwater to William Smith esquire, and also of the annuities of two hundred pounds, during the life of Charles Radcliffe, and the arrears thereof, to Matthew White esquire, and the several conveyances made in pursuance of the same;) it was, for the reasons therein contained, enacted, That the several contracts made, signed, or entered into, or pretended to be made, signed, or entered into, by the said commissioners and trustees, or any of them, for the sale or conveyance to the said William Smith, of any estate, right, title, or interest of, in, to, or out of the barony, manors, lordships, messuages, farms, lands, tenements, rectories, tythes, hereditaments, and premises, in the said recited settlements of the twenty fourth of March, one thousand six hundred and ninety one, and twenty fourth of June, one thousand seven hundred and twelve, comprized, or either of them, or of, in, to, or out of any part or parcel thereof, or any lands, tenements, or hereditaments whatsoever, contracted or pretended to be contracted for by the said William Smith, for the sum of one thousand and sixty pounds; and also the contract or contracts, or pretended contract or contracts, for the sale, conveyance, or assignment to the said Matthew White, of the said annuity of two hundred pounds, granted to, or charged for the benefit of the said Charles Radcliffe, as therein is mentioned, and of the arrears of the same; and also the said several recited indentures of bargain and sale respectively, bearing date the twenty eighth day of September, in the year one thousand seven hundred and twenty three; and one other indenture of bargain and sale therein recited, bearing date the said twenty eighth day of September, one thousand seven hundred and twenty three, being the indenture of bargain and sale therein recited to have been made to the said Matthew White, of the said annuity or yearly rent of two hundred pounds, so granted to the said Charles Radcliffe for his life as aforesaid, together with the arrears thereof incurred and grown due, from the time of the attainder of the said Charles Radcliffe, to the day of the date of the said indenture; and all and every the bargain, sales, conveyances, deeds, and instruments signed, sealed, made or executed, or pretended so to be, for the conveying, transferring, vesting, passing, and assuring the said several estates, interests, annuity, arrears, and other the premises, or any part or parcel thereof, unto the said William Smith and Matthew White, or either of them, their or either of their heirs, executors, administrators, or assigns, should be, and were thereby set aside and annulled, and were thereby adjudged and declared to be, and to have been absolutely null and void to all intents, constructions, and purposes, as if the same had never been made; and the attorney general of his Majesty, his heirs and successors, by his or their direction, was thereby impowered to apply to the court of Exchequer for sale, and the said court was thereby impowered to order sale of the said barony, manors, lands, hereditaments

ments, and premisses (subject to such claims and demands, as had been allowed by the said commissioners and trustees, according to the said recited act of the fourth year of his said late Majesty's reign) for such estate and interest as was vested in his Majesty, his heirs and successors, as aforesaid; and the purchase-money was to be paid into the receipt of his Majesty's exchequer, to be applied and disposed of according to any act or acts of parliament then after to be made for that purpose; and it was thereby further enacted, that until such sale should be made, as by the said act is directed, it should be lawful for the lords commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, to cause to be collected and levied all the rents, issues, and profits of the said barony, manors, lands, hereditaments, and premisses, and all arrearages thereof since the death of the said John Radcliffe; and to sue for and recover the same in the name of his Majesty, his heirs and successors, and to cause all the monies arising thereby (the necessary charges of levying, collecting, suing for, and recovering the same, and the incident charges relating thereunto only excepted) to be brought and paid into the receipt of the exchequer, to be applied and disposed of, according to any act or acts of parliament thereafter to be made for that purpose but in the said last-recited act, a saving is made to his Majesty, his heirs and successors, of all such right, title, estate, interest, claim, and demand of, in, unto, or out of the said premisses, as his Majesty, his heirs or successors, might have had or been intitled unto, in case that act had never been made, other than and except such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders before-mentioned, or of the acts of parliament therein recited; and a saving is also in the said last-recited act made to all other persons, other than and except the said commissioners and trustees, and the said Matthew White and William Smith, and any persons concerned with them in the said contracts or purchases, their respective heirs, executors, administrators and assigns, and all persons claiming or to claim any estate, right, title, interest, or demand, either in law or equity, in, unto, or out of the said premisses, by, from, or under them, of all such right, title, estate, interest, claim, or demand, of, in, unto, or out of the said premisses, as they might have had or been intitled unto, in case that act had never been made: and whereas by another act of parliament made in the eighth year of the reign of his present Majesty (intituled, An act for the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater and Charles Radcliffe,) reciting, amongst other things, That there then remained in the receipt of his Majesty's exchequer the sum of seven thousand one hundred and eighty two pounds, thirteen shillings, which had arisen out of the rents and profits of the said premisses so vested in his Majesty as aforesaid; and that there were also several sums of money in the hands of the collectors and receivers, and due and in arrear from the tenants and farmers of the said premisses; and farther reciting, That the annuity or rent charge, and also the several mortgages and incumbrances of and upon the said estate of the said late earl of Derwentwater, or some part thereof, therein and herein after particu-

8 Geo. 2. c. 29.

lary mentioned, had been regularly claimed and allowed, according to the direction of the said act of the fourth year of his said late Majesty's reign; and that there was then due, owing, issuing, and payable out of the said estate, or some part thereof, to the several persons therein and herein after-named, the several sums of money and annuity therein and herein after mentioned; that is to say, to the right honourable Robert James lord Petre the sum of twenty thousand pounes principal money, with the interest thereof: to Cuthbert Constable, alias Tunstall, of Burton Constable in Holderness, in the county of York, esquire, upon mortgage, the sum of five thousand nine hundred pounds, principal-money, besides interest; to Mary Chamberlain spinster, Edward Hopkins of the city of Coventry esquire, and Anna Maria his wife, Richard Luther esquire, and Charlottè his wife, upon mortgage, the sum of three thousand pounds, principal-money, besides interest: to the lady Catherine Radcliffe, second daughter of Francis late earl of Derwentwater, one annuity or yearly rent charge of one hundred pounds, clear of all taxes, for the term of her natural life, with the arrears thereof; it was enacted, That the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, so arising and produced of the rents and profits of the said premisses, and remaining in the receipt of the exchequer as aforesaid, should be issued, appropriated, and applied, in the first place, for the paying and clearing off all interest and arrears of the said annuity of one hundred pounds a year, and incumbrances therein and herein before-mentioned, to the twenty fifth day of March, one thousand seven hundred and thirty five; and after payment thereof, the surplus and residue of the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, should (except as therein after is excepted) be appropriated and applied, and was thereby appropriated and applied, towards the building and finishing of the royal hospital for seamen at Greenwich: and it was thereby further enacted, That all sums of money collected and received by the respective receivers of the rents and profits of the said premisses, so forfeited and vested in his Majesty as aforesaid, which were not paid into the receipt of the exchequer on or before the twenty fifth day of March, one thousand seven hundred and thirty five, and all arrears of rents and profits of the same premisses, due and owing from the several farmers, tenants, and occupiers of any part or parts thereof at or on the said twenty fifth day of March, one thousand seven hundred and thirty five; and all the rents, issues, and profits of the said premisses, which should from and after the said twenty fifth day of March, one thousand seven hundred and thirty five, grow, accrue, or become due and payable for and during his Majesty's said estate and interest in the said premisses, subject in the first place to the payment of the said annuity of one hundred pounds a year, as the same shall grow due, and of all principal and interest due and to grow due upon the several incumbrances therein, and herein before-mentioned, should be issued and applied, and were thereby appropriated and applied in the first place for and towards the finishing and completing the building of the said royal hospital for seamen at Greenwich; and after the building of the same royal hospital should be completed and finished, for and towards the support of the said

*said royal hoſpital for the better maintenance of the ſeamen of the ſaid hoſpital, worn out and become decrepit in the ſervice of their country : and it was thereby further enacted and declared, That the ſaid premiſſes ſo forfeited and veſted in his Maſteſty as aforeſaid, ſhould not be ſold (except as in the ſaid act is excepted) but ſhould remain and continue veſted in his Maſteſty, his heirs, and ſucceſſors (ſubject to, and charged and chargeable with, the ſaid annuity of one hundred pounds, and incumbrances aforeſaid, and the payment thereof, in the firſt place) for ſuch eſtate and intereſt as aforeſaid, for the purpoſes of the ſaid laſt-recited act : and his Maſteſty, his heirs and ſucceſſors were, by the ſaid laſt-recited act, impowered to authorize the commiſſioners or governors of the ſaid royal hoſpital for the time being, or any ſeven or more of them, to appoint ſtewards, receivers, or bailiffs of the ſaid premiſſes, ſo forfeited and veſted in his Maſteſty as aforeſaid, for and during the ſaid eſtate and intereſt of his Maſteſty, his heirs, and ſucceſſors, in the ſame premiſſes ; and to inveſt them with full power to receive the rents, iſſues, and profits thereof ; and to give receipts, diſcharges, and acquittances for the ſame ; and to hold courts, and to do and perform all acts, matters, and things, neceſſary for the managing the ſaid premiſſes, uſually done and performed by ſtewards, receivers, and bailiffs : and his Maſteſty, his heirs and ſucceſſors, were, by the ſaid laſt-recited act alſo impowered, during the continuance of the ſaid eſtate and intereſt of his Maſteſty, his heirs and ſucceſſors, in the ſaid premiſſes, to authorize the commiſſioners and governors of the ſaid royal hoſpital, for the time being, to grant leaſes of the premiſſes ſo forfeited, and veſted in his Maſteſty as aforeſaid, for any term not exceeding twenty one years in poſſeſſion, at the beſt and moſt improved yearly rent : and it was thereby further enacted, That the commiſſioners or governors of the ſaid royal hoſpital ſhould, and were thereby required, to contract and agree with able and ſufficient tradesmen, artiſers, or other perſons, for finiſhing and completing the ſaid royal hoſpital in a workman-like and ſubſtantial manner, on the eaſieſt and moſt reaſonable terms, according to the plan laid before the houſe of commons in that ſeſſion of parliament ; and that they ſhould lay their proceedings therein, with their annual accounts, before his Maſteſty, and both houſes of parliament reſpectively : and it was by the ſaid act, for the reaſons therein contained, provided and enacted, That out of the rents and profits of the ſaid eſtate, then remaining in the receipt of his Maſteſty's exchequer, there ſhould and might be iſſued and paid to the lord viſcount Gage in the kingdom of Ireland, the ſum of two thouſand pounds without account, and clear of all fees and deductions ; in which ſaid laſt recited act is contained a ſaving to his Maſteſty, his heirs, and ſucceſſors, of all ſuch right, title, eſtate, intereſt, claim, and demand, of, in, unto, or out of the ſaid premiſſes, as his Maſteſty, his heirs and ſucceſſors, might have had, or been intituled unto, in caſe that act had never been made ; other than and except ſuch right, title, eſtate, intereſt, claim, and demand, as was veſted in his Maſteſty, his heirs and ſucceſſors, by virtue of the ſeveral attainders before-mentioned, or of the therein recited acts of parliament ; and other than and except ſuch right, title, eſtate, intereſt, claim, and demand, which his Maſteſty, his heirs and ſucceſſors, had or might have in or to ſuch part*

11 Geo. 2.  
c. 30.

or parts of the said premisses, which should be sold pursuant to the directions of that act: and therein also is contained a saving to the several mortgagees and incumbrancers before named (till they should be paid off as aforesaid) and to all other persons, of all such right, title, estate, interest, claim, and demand, of, in, unto, or out of the said premisses (except such part or parts thereof, which should be sold pursuant to the directions of that act) as they might have had, or been intitled unto, in case that act had never been made: and whereas by an act made in the eleventh year of the reign of his present Majesty intituled, An act for explaining and amending an act of the eighth year of his present Majesty's reign, intituled, An act for the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater, and Charles Radcliffe) it was enacted, That upon the death of his present Majesty, and also upon the death of every successive King and Queen of this realm, all such acts and services should be done and performed, and all such fines and sums of money should be paid by the respective tenants of the estates to every successor of his Majesty, or (in case any of the said estates should be sold) to such other person who shall be the owner thereof, as by the ancient tenure thereof, or by any contract, law, usage, or custom, ought to be done, performed and paid by them, in case such King or Queen so dying, was considered as a private person only, and not in his or her politick capacity; and that for default of performance of such acts and services, which ought so to be done and performed, and for default of payment of any such fines and sums of money, which ought so to be paid, such forfeitures and penalties should accrue and become due, and it should be lawful for his Majesty, his heirs and successors, and for all persons by him or them appointed, or who should be then owners of the said estates, to use and take all such ways and means for recovering and taking advantage of the said forfeitures and penalties, as might be lawfully used or taken by any lord of the said estates, in case such king or queen so dying was considered as a private person only, and not in his or her politick capacity; and that all the said fines, sums of money, penalties, and forfeitures, which should accrue and become due to his Majesty, his heirs and successors, during his and their interest therein, should be applied to and for the use and benefit of the royal hospital for seamen at Greenwich; and the attorney general of his Majesty, his heirs and successors, by his or their direction, was empowered by the said act to apply to his Majesty's court of Exchequer at Westminster, by motion, in a summary way, for the sale of all, or of such part or parts of the timber on the said estates, while the same should remain unsold, from time to time, and at all times, as should be thought fit; and the money arising by such sale or sales, was to be applied by the direction of the said court, to the discharge of the incumbrances with which the said estates then stood charged; and in the mean time was to be paid by the purchasers into the court of Exchequer, or to the treasurer of the said hospital for the time being, or to be placed out in such government or other securities, and in the names of such persons, as the said court should direct; and in case there should happen to be any surplus of the said money, the same was to be applied in the first place, for and towards the finishing and completing the build-  
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ing of the said royal hospital; and after the building of the same royal hospital should be completed and finished, for and towards the support of the said royal hospital, for the better maintenance of the seamen of the said royal hospital worn out and become decrepit in the service of their country; and after the said incumbrances should be totally discharged, then all the produce of, or money arising by, the sale or sale of any timber on the said estates, was to be, from time to time, and at all times, wholly appropriated and applied to the use of the said hospital: and it was by the said act enacted, That for or towards the discharge of the aforesaid mortgages and incumbrances (except the said annuity of one hundred pounds a year) and not otherwise, it should and might be lawful to and for the attorney general of his Majesty, his heirs and successors, by his and their direction, to apply to his Majesty's said court of Exchequer, by motion, in a summary way, for the sale or sales to any person or persons, being protestants, of the fee-simple and inheritance of any of the said premises so forfeited, and vested in his Majesty as aforesaid, which were not charged with the said mortgages and incumbrances, as should be thought most convenient to be sold and disposed of, and the money arising by such sale or sales was to be applied, by the direction of the said court, for or towards the discharge of the said incumbrances, or some of them, and in the mean time was to be paid by the purchasers into the court of Exchequer, or to the treasurer of the said hospital for the time being, or to be placed out in such government or other securities, and in the names of such persons, as the said court should direct; and in case there should happen to be any surplus of the said purchase-money, the same was to be applied for the benefit of the said hospital: and it was by the said last-recited act also enacted, That it should and might be lawful for his Majesty, his heirs and successors, during the continuance of his or their estate in the premises, by sign manual, to authorize the commissioners and governors of the said hospital, or any seven or more of them, to demise and grant all the mines of lead, coal, and other minerals, as well unopened as opened, within and under the said lands and premises, for any number of years, not exceeding twenty one years, in possession and not in reversion, reserving the best rents or dues that could be reasonably got for the same: and after reciting, That the interest of the principal-money, due on the mortgages and incumbrances in the said act mentioned, was partly at the rate of five pounds for one hundred pounds, and partly at the rate of six pounds for one hundred pounds, for a year, it was enacted, That it should and might be lawful for his Majesty, his heirs and successors, by sign manual, to authorize the commissioners or governors of the said hospital for the time being, or any seven or more of them, to agree with the respective mortgagees and incumbrancers of the said premises in the said act of the eighth year of his present Majesty's reign named, their executors, administrators, or assigns, for any less rate or interest for the principal-money due on their securities respectively, than the same was then at; and in case the said mortgagees and incumbrancers should not so agree, then to agree with any other person or persons for the advancing money at any less rate or interest than aforesaid, for paying off the principal-money due

on the said mortgages and incumbrances, upon the same being assigned unto such person or persons respectively so advancing such money; provided that such assignments should be made for the respective principal-money only of the said mortgages and incumbrances, and for the interest of such principal-money to grow due, from and after the making of such assignments respectively; and that the said principal-money, and interest thereof, in all such assignments, should be made payable at the end of six months at the farthest, from the day of the making such assignments respectively: in which said last-recited act there is contained the like saving to his Majesty, and to all other persons, as in the said act of the eighth year of his said present Majesty's reign is contained; as by the said several recited acts of parliament may (amongst other things therein contained) more fully appear: and whereas the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, so remaining in his Majesty's exchequer as aforesaid, was applied according to the directions of the said recited act of the eighth year of his present Majesty's reign; and the several sums of money which had been collected and received by the respective receivers of the rents and profits of the aforesaid premises, which were not paid into the receipt of the exchequer on or before the twenty fifth day of March, one thousand seven hundred and thirty five; and the arrears of rents and profits of the same premises, due and owing from the several farmers, tenants, and occupiers thereof, at or on the said twenty fifth day of March, one thousand seven hundred and thirty five; and also the rents, issues, and profits of the said premises, which from and after the said twenty fifth day of March, one thousand seven hundred and thirty five, to the time of making this act, have accrued, or become due or payable, or so much thereof as could be got in and received, have, from time to time, been applied for such purposes as the same were directed to be applied by the said acts of the eighth and eleventh years of his present Majesty's reign, as by the account of the proceedings of the commissioners or governors of the said royal hospital at Greenwich, with respect to their contracting and agreeing with tradesmen, artificers, or other persons, for finishing and completing the said royal hospital, in the manner mentioned in the said act of the eighth year of his present Majesty's reign, and also the annual accounts of the said commissioners or governors, with respect to the rents, issues, and profits of the said premises that have been received by them, which the said commissioners or governors have, from time to time, according to the directions of the said act of the eighth year of his present Majesty's reign, laid before his Majesty and both houses of parliament may appear: and whereas the said lady Catharine Radcliffe, second daughter of the said Francis earl of Derwentwater, is reputed to be dead, and all arrears of the said annuity or yearly rent charge of one hundred pounds, payable to her as aforesaid, are supposed to have been paid and satisfied: and whereas the said Robert James lord Petre (who inter-married with the said Anna Maria, daughter to the said James late earl of Derwentwater, by the said Anna Maria his wife) having refused to accept of any less interest for the said principal sum of twenty thousand pounds, due for the portion of the said Anna Maria lady Petre his wife,

wife, than the same was then at; and the right honourable Sir Charles Wager knight, Sir Thomas Littleton, Sir Thomas Frankland, baronets, Sir Jacob Ackworth knight, Thomas Pearse George Purvis, Josiah Burchett, Tudor Trevor, lieutenant governor Nicholas Clarke, and William Baxter, esquires; ten of the commissioners or governors of the said royal hospital, authorized and empowered by his Majesty's sign manual, bearing date the twenty seventh day of June one thousand seven hundred and thirty eight, pursuant to the said act of parliament made in the eleventh year of his present Majesty's reign, having agreed with the governor and company of the bank of England, for advancing money at the rate of four pounds per centum per annum, for paying off the said principal sum of twenty thousand pounds; and the term of five hundred years, limited by the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, to the said Other earl of Plymouth, and William lord Widdrington, having by the attainder of the said lord Widdrington, who survived the said earl of Plymouth, been vested in his Majesty, the said Robert James lord Petre, and Anna Maria lady Petre his wife, in consideration of the sum of twenty thousand pounds to the said lord Petre paid by the governor and company of the bank of England, did by a certain indenture tripartite, bearing date the eleventh day of May, one thousand seven hundred and thirty nine, by the appointment and direction of the said Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, Sir Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, and William Baxter, bargain, sell, and assign, unto the said governor and company of the bank of England, their successors, and assigns, the barony, manors, lands, and hereditaments, by the said indenture of release of the twenty fourth day of June, one thousand seven hundred and twelve, limited to the said earl of Plymouth, and lord Widdrington; for the term of five hundred years as aforesaid; and all the estate, right, title, and interest, of the said Robert James lord Petre, and Anna Maria lady Petre his wife, of, in, and to the said barony, manors, lands, tenements, and hereditaments, and in and to the said term of five hundred years, and of, in, and to the said twenty thousand pounds, to hold the same to the said governor and company of the bank of England, their successors and assigns, for the residue then to come of the said term of five hundred years, subject to a proviso for redemption, on payment of the said sum of twenty thousand pounds, with interest for the same, at the rate of four pounds per centum per annum, on the eleventh day of November then next; and the said commissioners or governors of the said hospital, having, since the time limited by the said proviso, paid out of the monies belonging to the said hospital, the said sum of twenty thousand pounds, with all interest due for the same, the said governor and company of the bank of England did, by indenture bearing date the sixteenth day of February, one thousand seven hundred and forty eight, bargain, sell, and assign, unto the right honourable Archibald Hamilton esquire, commonly called lord Archibald Hamilton, governor of the said royal hospital, Charles Smith esquire, lieutenant governor of the said hospital, James Gunman esquire, treasurer of the



*ſaid hoſpital, Sir Edward Bellamy knight, (ſince deceased) Sir John Thompson knight, William Fawkener eſquire, and William Baxter eſquire, ſeven of the commiſſioners or governors of the ſaid hoſpital, the barony, manors, lands, and hereditaments, ſo limited to the ſaid earl of Plymouth and lord Widdrington, for the term of five hundred years, as aforeſaid, and all the eſtate, right, title, and intereſt of the ſaid governor and company of the bank of England, of, in, and to the ſaid barony, manors, lands, tenements, and hereditaments, and in and to the ſaid term of five hundred years, to hold the ſame unto the ſaid Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, adminiſtrators, and aſſigns, for the remainder then to come of the ſaid term of five hundred years, in truſt, and to the intent that the rents, iſſues, and profits of the ſaid premiſſes ſhould and might be appropriated, applied, and diſpoſed of, to the uſes, and for the purpoſes directed in and by the ſaid act of parliament made in the ſaid eighth year of the reign of his ſaid preſent Maſteſty, and for that purpoſe that the ſaid term and eſtate might attend and wait upon the freehold and inheritance thereof, as the ſame was then veſted in his Maſteſty, his heirs and ſucceſſors : and whereas the ſaid Cuthbert Conſtable, alias Tunſtall, having reſuſed to accept of any leſs rate or intereſt for the ſaid principal ſum of five thouſand and nine hundred pounds, mentioned in the ſaid recited act of the eighth year of his preſent Maſteſty's reign to be due to him upon mortgage, than the ſame was then at (and which ſum of five thouſand and nine hundred pounds, and the intereſt thereof, was heretofore ſecured to the ſaid lady Mary Radcliffe, by a mortgage made to her by the ſaid Edward earl of Derwentwater of the ſaid manors of Spindleſton and Utcheſter, for the term of five hundred years, by indenture bearing date the twenty ſecond day of April, one thouſand ſix hundred and ninety nine, purſuant to a power given him for that purpoſe by a certain act of parliament therein mentioned, in full ſatisfaction of the ſaid ſum of five thouſand pounds, directed by the ſaid recited indenture of releaſe of the twenty fourth of March, one thouſand ſix hundred and ninety one, to be raiſed for her, and the intereſt thereof to that time, and to which ſum of five thouſand nine hundred pounds the ſaid Cuthbert Conſtable, alias Tunſtall, became intituled by virtue of the will of the ſaid lady Mary Radcliffe, of which will he was then the ſurviving executor) and the ſaid Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, and Sir Jacob Ackworth, Thomas Pearſe, George Purviſ, Joſiah Burchett, Tudor Trevor, Nicholas Clarke, and William Baxter, having agreed with the governor and company of the bank of England, for advancing money at the rate of four pounds per centum per annum, for paying off the ſaid ſum of five thouſand nine hundred pounds, the ſaid Cuthbert Conſtable, alias Tunſtall, in conſideration of the ſaid ſum of five thouſand nine hundred pounds paid to him by the ſaid governor and company of the bank of England, did, by the appointment and direction of the ſaid Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, Sir Jacob Ackworth, Thomas Pearſe, George Purviſ, Joſiah Burchett, Tudor Trevor, Nicholas*

cholas Clarke, and William Baxter, grant, bargain, sell, and assign to the said governor and company of the bank of England, and their successors and assigns, the said manors of Spindleston and Utchester, to hold the same unto the said governor and company of the bank of England, and their successors and assigns, for the remainder then to come of the said term of five hundred years, by the said indenture of the twenty second day of April, one thousand six hundred and ninety nine, granted, subject to a proviso for the surrendering and assigning the said premisses to the said Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, Sir Jacob Ackworth, Thomas Harle, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, and William Baxter, their executors, administrators, or assigns, or to such person or persons as they should appoint and direct, on payment of the said sum of five thousand nine hundred pounds, with interest for the same, at the rate of four pounds per centum per annum, at the time therein mentioned: and the commissioners or governors of the said hospital, or some of them, having since paid out of the monies and revenues belonging to the said hospital, the said sum of five thousand nine hundred pounds, with all interest due for the same, the said governor and company of the bank of England, did, by another indenture bearing date the said sixteenth day of February, one thousand seven hundred and forty eight, bargain, sell, and assign unto the said Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and assigns, the said manors of Spindleston and Utchester, to hold the same unto the said Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and assigns, for the remainder then to come of the said last-mentioned term of five hundred years, in trust, and to the intent that the rents, issues, and profits of the said manors and premisses should and might be appropriated, applied, and disposed, to the uses, and for the purposes, directed in and by the said act of parliament made in the said eighth year of the reign of his present Majesty; and for that purpose, that the said term and estate might attend and wait upon the freehold and inheritance thereof, as the same was then vested in his Majesty, his heirs, and successors: and whereas the said Mary Chamberlain, Edward Hopkins, and Anna Maria his wife, and Richard Luther and Charlotte his wife, did immediately after the passing the said recited act, made in the eleventh year of his Majesty's reign, agree with the commissioners or governors of the said hospital to accept of four pounds per centum per annum, for the interest of the said principal sum of three thousand pounds, mentioned in the said recited act of the eighth year of his present Majesty's reign to be due to them upon mortgage (which sum of three thousand pounds was, by the said Edward earl of Derwentwater, by a certain deed poll, bearing date the twenty fourth day of June, one thousand six hundred and ninety nine, pursuant to a power to him given by a certain indenture of release, bearing date the twentieth day of May, in the third year of the reign of his Majesty King James the Second, charged upon the said barony, manor,

or lordſhip of Langley, and ſeveral other of the manors, lands, and hereditaments before-mentioned, and other the lands in the ſaid deed poll mentioned, for the portion of his daughter lady Tudor Radcliffe, and which ſum of three thouſand pounds, was afterwards aſſigned to Hugh Chamberlain doct̃or in phyſick, by William Petre junior eſquire, who intermarried with the ſaid lady Tudor Radcliffe; and the ſaid lady Tudor his wife, by indenture tripartite, bearing date the firſt day of July, one thouſand ſeven hundred and twenty-two, in the manner in the ſaid indenture mentioned; and which ſaid Hugh Chamberlain afterwards died, having firſt made his laſt will and teſtament in writing, and two codicils thereunto, and appointed his three daughters, the ſaid Mary Chamberlain, Anna Maria Hopkins, and Charlotte Luther, executrixes of his will) but the ſaid Edward Hopkins, having afterwards died, and the ſaid Mary Chamberlain, Anna Maria Hopkins, Richard Luther, and Charlotte his wife, having thought fit to call in the ſaid principal ſum of three thouſand pounds, the commiſſioners or governors of the ſaid hoſpital, did, out of the monies and revenues belonging to the ſaid hoſpital pay the ſaid ſum of three thouſand pounds, and all intereſt due for the ſame; and thereupon the ſaid Mary Chamberlain, Anna Maria Hopkins, Richard Luther and Charlotte his wife, did by indenture bearing date the ſixteenth day of May, one thouſand ſeven hundred and forty eight, aſſign unto the ſaid Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawken-  
 7 Ann. c. 5.  
 ener, and William Baxter, their executors, adminiſtrators, and aſſigns, the ſaid ſum of three thouſand pounds, and all intereſt thereafter to grow due for the ſame, and all their eſtate and intereſt in and to the ſaid manor or lordſhip of Langley, and other the manors, lands, and hereditaments, by the ſaid laſt-mentioned deed poll charged with the ſaid ſum of three thouſand pounds and intereſt (except as therein is mentioned) to hold the ſaid barony, manors, lands, and hereditaments (except as therein is mentioned) and the ſaid ſum of three thouſand pounds charged thereon, unto the ſaid Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawken-  
 er, and William Baxter, their heirs, executors, adminiſtrators and aſſigns, upon truſt, to and for the uſe and benefit of the ſaid royal hoſpital at Greenwich: and whereas the aforeſaid Charles Radcliffe, did, after his having been ſo attainted as aforeſaid, inter-marry with the right honourable Charlotte counteſs of Newburgh, by whom he had iſſue two ſons, namely James Bartholomew Radcliffe, commonly called lord Kenaird, his eldeſt ſon who was born in France out of his Maſteſty's allegiance, on the twenty fifth day of Auguſt, one thouſand ſeven hundred and twenty five, and James Clement Radcliffe his youngeſt ſon, and three daughters, to wit, the lady Charlotte Radcliffe, lady Barbara Radcliffe, and lady Mary Radcliffe, who were all alſo born out of his Maſteſty's allegiance in parts beyond the ſeas, and all of them (except the ſaid lady Mary Radcliffe) have attained their reſpective ages of twenty one years: and whereas by a claufe in an act made in the ſeventh year of the reign of her late maſteſty Queen Anne (intituled, An act for the naturalizing foreign proteſtants) it was enacted, That the children of all natural-born ſubjects, born out of the legiance of her Maſteſty, her heirs

heirs and fucceffors; fhould be deemed, adjudged, and taken to be natural-born fubjects of this kingdom, to all intents, conftructions, and purpofes whatfoever: and whereas by an act of parliament made in the fourth year of his prefent Majefty's reign (intituled, An act to explain a claufe in an act made in the feventh year of the reign of her late majefty Queen Anne, For naturalizing foreign proteftants, which relates to the children of the natural-born fubjects of the crown of England, or of Great Britain) it was enacted, That all children, born out of the legiance of the crown of England, or of Great Britain, or which fhould thereafter be born out of fuch legiance, whose fathers were or fhould be natural-born fubjects of the crown of England, or of Great Britain, at the time of the birth of fuch children refpectively, fhould and might, by virtue of the laid recited claufe in the laid act of the feventh year of the reign of her late Majefty, and of that act, be adjudged and taken to be, and all fuch children were thereby declared to be natural-born fubjects of the crown of Great Britain, to all intents, conftructions, and purpofes whatfoever; but it was by the laid act provided, and further declared and enacted, That nothing in the laid recited act of the feventh year of her laid late Majefty's reign, or in that act contained, did or fhould extend, or ought to be conftrued, adjudged, or taken to extend, to make any children, born or to be born out of the legiance of the crown of England, or of the crown of Great Britain, to be natural-born fubjects of the crown of England, or of Great Britain, whose fathers, at the birth of fuch children refpectively, were or fhould be attainted of high treason, by judgment, outlawry, or otherwife, either in this kingdom or in Ireland; or whose fathers, at the time of the birth of fuch children refpectively, by any law or laws made in this kingdom, or in Ireland, were or fhould be liable to the penalties of high treason or felony, in cafe of their returning into this kingdom, or into Ireland, without the licence of his Majefty, his heirs or fucceffors, or of any of his Majefty's royal predeceffors; or whose fathers, at the time of the birth of fuch children refpectively, were or fhould be in the actual fervice of any foreign prince or ftate then in enmity with the crown of England, or of Great Britain; but that all fuch children were, and fhould be and remain, in the fame ftate, plight, and condition, to all intents, conftructions, and purpofes whatfoever, as they would have been in, if the laid act of the feventh year of her laid late Majefty's reign, or that act, had never been made, as by the laid two laft-mentioned acts of parliament may more fully appear: and whereas the laid James Bartholomew Radcliffe, commonly called lord Kennaird, hath made a moft dutiful representation to your Majefty; wherein, after having fet forth the feveral limitations contained in the laid fettlement of the twenty fourth of June, one thoufand feven hundred and twelve, and the feveral attainders of the laid James earl of Derwentwater, and Charles Radcliffe his father, and his being the firft fon of the body of the laid Charles Radcliffe, and the feveral acts of parliament herein before-recited, relating to the laid forfeited eftates, and that, by virtue thereof, the laid manors, lands, and hereditaments, comprized in the laid laft-mentioned fettlement, became vefted in your Majefty, your heirs and fucceffors, according to fuch eftates and interefts as the laid attainted perfons had therein at the times

times mentioned in the said first recited act, be the said James Bartholomew Radcliffe did, in all humility, shew to your Majesty, that being advised that your Majesty's estate and interest in the manors, lands, and hereditaments, comprized in the said settlement, under the said acts, did determine on the death of the said Charles Radcliffe, be the said James Bartholomew Radcliffe did well hope, that the commissioners and governors of Greenwich Hospital would have admitted him to be intitled, from the time of the death of the said Charles Radcliffe, to the possession of the said last-mentioned manors, lands, and hereditaments, under the limitations contained in the said settlement of the twenty fourth of June, one thousand seven hundred and twelve, to the first and other sons of the said Charles Radcliffe in tail male; but that he found the said commissioners and governors did not look on your Majesty's estate and interest in the said premises to be determined, but did consider the said right, title, claim, and interest, which the said James Bartholomew Radcliffe pretended to under the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, to be null and void, inasmuch as neither the trustees for preserving the contingent remainders under the said settlement, nor any other person for or on the behalf of the first and other sons of the said Charles Radcliffe, had made any claim before the commissioners appointed by the said recited acts of the first and fourth years of his late Majesty, for the determining claims as aforesaid: and the said James Bartholomew Radcliffe did also shew to your Majesty, that he found it might be objected to him, that, as he was born within the dominions of the French King, in the year one thousand seven hundred and twenty five, and out of your Majesty's legiance, he was to be considered as an alien, and was to be excluded from all right and title to the said estates, although he was born of natural-born subjects, as before is mentioned; and thereupon the said James Bartholomew Radcliffe did most humbly represent it to your Majesty, that if he should be found to be an alien under the said act of the fourth year of your Majesty's reign, it could not be of any avail to him to litigate the question touching the necessity there was, under the act of his late Majesty, to enter a claim in behalf of an unborn person; and as the said James Bartholomew Radcliffe was absolutely unable to bear the expence of such a litigation, he did therefore submit to your Majesty's consideration several reasons and arguments in support of his right and title to the said estates, and whether he was to be considered as an alien, or not; and although he was to be considered as an alien, in which case he would be incapable to hold any estate against the crown, yet nevertheless he did contend, that he was capable for the benefit of the crown, to take such estate and interest as was limited to him by the said settlement; in regard whereof, and of the many singular hardships attending his case, he did humbly beseech your Majesty to extend your grace and favour to him, and to grant him such relief for his support, as the circumstances of his case should require: and whereas your Majesty, out of your princely clemency, and from those motives of goodness and compassion, which are inherent in your royal nature, hath been pleased to signify to your parliament, That your Majesty was graciously inclined, that  
some

*ſome relief ſhould be granted to the ſaid James Bartholomew Radcliffe, ſo as the ſame ſhould be conſiſtent with the juſt rights of Greenwich Hoſpital: and whereas the ſaid commiſſioners and governors of the ſaid hoſpital are adviſed, that great doubts may ariſe, whether upon the conſtruction of the true intent of the ſaid act of the firſt year of the reign of his late majeſty King George the Firſt, and of the ſaid other act of the fourth year of his reign, the uſe and eſtate in remainder limited by the ſaid ſettlement of the twenty fourth day of June, one thouſand ſeven hundred and twelve, to the firſt and other ſons of the ſaid Charles Radcliffe, was loſt and deſtroyed, by reaſon that the ſame was not claimed before the commiſſioners and truſtees appointed by the ſaid act, for and on the behalf of ſuch firſt and other ſons, within the time preſcribed by the ſaid acts; and it may alſo be doubted, whether the claim made in behalf of the ſaid John Radcliffe of the precedent uſe and eſtate limited to him, and the allowance thereof by the court of delegates, in ſuch manner as before is mentioned, did not reſt all the manors and hereditaments comprized in the ſaid ſettlement of one thouſand ſeven hundred and twelve, to the ſeveral uſes limited in and by the ſaid ſettlement, with ſuch remainders as therein are expreſſed: and the ſaid commiſſioners and governors are alſo adviſed, That in caſe the ſaid act ſhould not extend to make the ſaid uſe and eſtate in remainder, limited by the ſaid ſettlement to the firſt and other ſons of the ſaid Charles Radcliffe (they not being born or in being at the time of the ſaid acts, and therefore not being perſons actually having any eſtate and intereſt at that time) abſolutely null and void, then the eſtate and intereſt of your Majeſty, and conſequently the right and title of the ſaid hoſpital, which depends on the continuance thereof, may be conſidered as having determined on the death of the ſaid Charles Radcliffe; and if the ſaid James Bartholomew Radcliffe ſhould be conſidered as an alien, then a new right might accrue to your Majeſty, in virtue of your prerogative royal, ſo ſoon as an inquiſition ſhould be taken, finding the ſaid James Bartholomew Radcliffe to be an alien accordingly: in regard of all which, and many other doubts and difficulties, the ſaid commiſſioners and governors are adviſed, That it will be for the intereſt and advantage of the ſaid hoſpital to conſent that the ſaid manors, lands, and hereditaments ſhall ſtand charged with the raiſing ſuch ſum of money as herein after is mentioned; ſo as that the right and title of the ſaid hoſpital to the ſaid manors, lands, and hereditaments, may be fully eſtabliſhed, and that the fee and inheritance thereof may be abſolutely veſted in truſtees for the uſe and benefit of the ſaid hoſpital for ever, free and diſcharged from all the right, title, claim, and demand of the ſaid James Bartholomew Radcliffe, and of his Majeſty in his right, and of all others claiming by or under any of the limitations contained in the ſaid ſettlement, ſo dated the ſaid twenty fourth day of June, one thouſand ſeven hundred and twelve, as aforeſaid; and ſo that the ſaid commiſſioners and governors of the ſaid hoſpital may have and exerciſe full power to cut down and make ſale of the timber on the premiſſes for the benefit of the ſaid hoſpital, as they ſhall think fit, and to make ſuch leaſes of the ſame, and of the mines open or unopen, as they ſhall think proper: and whereas the*

*ſaid*

*ſaid Charlotte counteſs of Newburgh, for and on the behalf of the ſaid James-Clement Radcliffe; her ſecond ſon, and the ſaid lady Charlotte Radcliffe, lady Barbara Radcliffe, and lady Mary Radcliffe, hath moſt humbly implored your Maſteſty to extend your royal grace and favour to them, humbly repreſenting, That if no relief ſhould be granted to them, they will be deſtitute of all manner of proviſion after the death of the ſaid counteſs of Newburgh; and the ſaid James Bartholomew Radcliffe is conſenting, That all the right, title, and intereſt, which he or his iſſue male hath or can have, to the manors, lands, tenements, and hereditaments, comprized in the ſettlement of the ſaid twenty fourth day of June, one thouſand ſeven hundred and ſixty, ſhall be extinguished by authority of parliament, and that the ſole ſimple, and inheriance of the ſaid premiſſes, ſhall be ſo veſted in the ſaid royal hoſpital at Greenwich, and their ſucceſſors, for ever: and whereas your Maſteſty has been graciously pleaſed to ſignify to your parliament, That your Maſteſty was willing and deſirous, and gave your conſent, that the parliament might make whatever diſpoſition and ſettlement they ſhould think fit of the intereſt your Maſteſty hath or may have in the ſaid eſtates, ſo as the ſame be for the uſe and benefit of the royal hoſpital at Greenwich, with the allowance which ſhall be thought proper to be made thereout for the relief of the children of the ſaid Charles Radcliffe: wherefore your Maſteſty's faithful commons in parliament aſſembled, do humbly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent Maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all the ſaid barony, manor, or lordſhip of Langley, with the rights, members, and appurtenances thereof, in the county of Northumberland; and alſo all thoſe the ſaid manors of Whittingſhall alias Quittingſhall, and Newlands, Diſton, alias Develſton, Aydon Shields, Warke, Elrington, and Meldon, and every of them, with their and every of their rights, members, and appurtenances in the ſaid county of Northumberland; and all thoſe the ſaid manors or reputed manors of Spindleſton, Utcheſter, Throckley, Coaſtley, Middleton Hall, Eaſt Thornton, alias Thornton Eaſt, Weſtwood, and Thornborough, and every of them, with their and every of their rights, members, and appurtenances in the ſaid county of Northumberland; and alſo all that the advowſon of the ſaid church of Symondburne, with the appurtenances in the ſaid county of Northumberland; and alſo all thoſe the ſaid manors or reputed manors of Caſtlerigg and Derwentwater alias Keſwick and Thorntwaite, with their and every of their rights, members, and appurtenances in the county of Cumberland; and alſo all that the ſaid manor of Scremerſton, with the rights, members, and appurtenances in the county palatine of Durham; and alſo all and ſingular the meſſuages, granges, farms, lands, meadows, paſtures, feedings, woods, underwoods, tenements, and hereditaments whatſoever, late the eſtate of the ſaid James late earl of Derwentwater, or whereof he was ſeiſed of any eſtate of inheritance in poſſeſſion, reverſion, remainder, or expectancy, ſituate,*

The Barony and manors hereindeſcribed, divested out of his Maſteſty from the death of Charles Radcliffe,

ate, lying, and being in the said counties of *Northumberland* and *Cumberland*, county palatine of *Durham*, and every of them, with their appurtenances, which, by the said recited indentures of lease and release of the twenty third and twenty fourth days of *June*, one thousand seven hundred and twelve, were settled, limited, and assured to the uses in the said indenture of release of the twenty fourth day of *June*, one thousand seven hundred and twelve, mentioned; and the reversion and reversions, remainder and remainders, rents, issues, and profits of all and singular the same premises, shall, from and immediately after the death of the said *Charles Radcliffe*, be and be deemed to be, and to have been devised out of his Majesty, his heirs and successors, and settled upon, and vested in, and the same are hereby from thenceforth settled upon and vested in the most noble *Charles* duke of *Richmond* and *Lenox*, and the right honourable *Henry* Fox esquire, their heirs and assigns, freed, acquitted, and absolutely discharged of, from, and against all and every the uses, estates, and limitations, in and by the said indenture of release or settlement, bearing date the said twenty fourth day of *June*, one thousand seven hundred and twelve, limited and created of and concerning the same, to and for the first and other sons of the said *Charles Radcliffe*, and the issue male of such first and other sons, and freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders herein before-mentioned, or of the said several acts of parliament herein before-recited, or any of them, and also freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as is vested, or that might or could accrue or belong to his Majesty, his heirs or successors, by reason or means of the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, or either of them, having been born out of the dominions of the crown of *Great Britain*, or otherwise howsoever, save as herein after is saved; to the use of them the said *Charles* duke of *Richmond* and *Lenox*, and *Henry* Fox, their executors, administrators, and assigns, for and during, and unto the full end and term of five hundred years, to be computed from the day of the death of the said *Charles Radcliffe*, and from thence next ensuing, and fully to be compleat and ended, without impeachment of waste; and from and after the end, expiration, or other determination of the said term, then to and for the only proper use and behoof of the right honourable *Archibald Hamilton* esquire, commonly called lord *Archibald Hamilton*, *Charles* Smith esquire, *James* Gunman esquire, Sir *John* Thompson knight, Sir *James* Creed knight, *Peter* Burrell esquire, *William* Faulkner esquire, *William* Baxter esquire, *Edward* Vernon esquire, *Thomas* Ripley esquire, doctor *David* Cockburn, *James* Spilman esquire, *William* Allix esquire, *Fitzwilliam* Plumptre esquire, *William* Young esquire, and captain *Francis* Danfays, being sixteen of the commissioners, or governors and directors of the said royal hospital for seamen at *Greenwich*, their heirs

and vested in the duke of Richmond and the right honourable Henry Fox esquire, for the term of 500 years.

and after the expiration of the said term, in the commissioners for Greenwich Hospital.



and to lay  
their accounts  
before the  
King and par-  
liament.

or became due from the death of the said *Charles Radcliffe*, and which have already been, or shall hereafter be received by them, or any of them, except by laying such accounts before his Majesty, and both houses of parliament, as by the said recited act of the eighth year of his present Majesty's reign is directed; but that all such rents, issues, and profits, and all fines and sums of money which accrued, or became due or payable from the death of the said *Charles Radcliffe*, shall be appropriated and applied to the uses, and for the purposes, in the said act of the eighth year of his present Majesty's reign mentioned, and herebefore recited; nevertheless they the said commissioners, or governors and directors for the time being, shall, from time to time, lay the accounts of their receipts, payments, and disbursements before his Majesty, and both houses of parliament, as by the said recited act of the eighth of his present Majesty is directed, as well with respect to the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, as with respect to the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of March, one thousand six hundred and ninety one.

V. *And whereas by reason of the limitation herein before made to the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Danfays, of the said manors, lands, tenements, and hereditaments, in manner as aforesaid, a doubt may be made, whether the tenants of the said estates ought from henceforth to do such acts and services, and pay such fines and sums, as by the nature and tenure of their estates, founded upon immemorial usage and custom, or otherwise, they would be to have done and performed, and paid on the death of any lord thereof, in case the limitation of the said manors, lands, tenements, and hereditaments was made to a particular person only, and his heirs; now, in order to make the like provisions as were made by the said act of the eleventh year of his present Majesty's reign, for obliging the tenants of the said estates to do such acts and services, and to pay such fines and sums of money as aforesaid, it is further enacted by the authority aforesaid, That upon the death of his present Majesty (whom God long preserve for the benefit of his people) and also upon the death of every successive King and Queen of this realm, all such acts and services shall be done and performed, and all such fines and sums of money shall be paid by the respective tenants of the said estates, to the said commissioners, or governors and directors for the time being, of the said royal hospital at Greenwich, as by the ancient tenure thereof, or by any contract, law, usage, or custom ought to be done, performed, and paid by them, in case the said manors, lands, tenements, and hereditaments had continued to be, or were actually vested in his Majesty, his heirs and successors, and that he*

Fines and services to be performed and paid by the tenants, upon the death of the King.

and they were to be considered as private persons only, and not in their publick capacity; and for default of performance of such acts and services which ought so to be done and performed, and for default of payment of any such fines and sums of money which ought so to be paid, such forfeitures and penalties shall accrue and become due, and it shall be lawful for the said commissioners, or governors and directors for the time being of the said royal hospital, in the name of any one of them, to use and take all such ways and means for recovering and taking advantage of the said forfeitures and penalties, as might be lawfully used or taken by his Majesty, his heirs and successors, in case the said manors, lands, tenements, and hereditaments had continued to be, or were actually vested in his Majesty, his heirs and successors, and that he and they were to be considered as private persons only, and not in their politick capacity; any law, usage, or custom to the contrary notwithstanding.

The commissioners empowered to sue for forfeitures.

VI. And it is hereby further enacted, That the said *Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, William Fawkenor, and William Baxter*, and the survivors and survivor of them, and the executors and administrators of such survivor, shall stand possessed of, and interested in the barony manors, lands, and hereditaments by the said two several indentures, both bearing date the sixteenth day of *February*, one thousand seven hundred and forty-eight respectively, bargained, sold, and assigned unto the said *Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkenor, and William Baxter*, their executors, administrators, and assigns, for and during all the rest, residue, and remainder, now to come, and unexpired, of the several terms of five hundred years and five hundred years in the same indentures mentioned; and that they the said *Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, William Fawkenor, and William Baxter*, and the survivors and survivor of them, and the respective heirs, executors, and administrators of such survivor, shall stand seized and possessed of, and interested in the aforesaid sum of three thousand pounds, and the barony, manors, lands, and hereditaments, charged with the payment thereof, in trust for the commissioners, or governors and directors for the time being, of the said royal hospital at *Greenwich*; and to the intent that the said last-mentioned terms of five hundred years, and five hundred years, may attend and wait upon the freehold and inheritance of the premises therein respectively comprized, and herein before limited to the said *Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkenor, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays*, and to protect the same from all meane incumbrances, if any should happen to be; but subject nevertheless, and without prejudice to the said term of five hundred years, herein before limited to the said *Charles*

Trustees to stand possessed of the lands assigned to them by two indentures bearing date 16 Feb. 1748, for the several terms of 500 years.

and in the sum of 3000l. in trust for the hospital at Greenwich, &c.

the subject to the term of 500 years, limited to the duke of Richmond,

and Henry  
Fox efquire

duke of *Richmond* and *Lenox*, and *Henry Fox*; their executors, administrators, and assigns, as aforefaid.

The commis-  
fioners for  
Greenwich  
Hofpital im-  
powered to  
appoint offi-  
cers to receive  
the rents, &c.

VII. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for the commiffioners, or governors and directors for the time being, of the faid royal hofpital at *Greenwich*, or any feven or more of them, from time to time, and at all times hereafter, to appoint ftewards, receivers, or bailiffs, of the faid manors, lands, tenements, and hereditaments, and to inveft them with full power to receive and get in the rents, iffues, and profits thereof, and to give receipts, difcharges, and acquittances for the fame, and to hold courts, and to do and perform all acts, matters and things neceffary for the managing the faid premisses, ufually done and performed by ftewards, receivers, and bailiffs, and alfo to affign and allow fuch falaries and rewards to the faid ftewards, receivers, and bailiffs, as the faid commiffioners, or governors and directors of the faid royal hofpital for the time being, or any feven or more of them, fhall think requifite and neceffary in that behalf; and alfo that it fhall and may be lawful to and for the faid commiffioners, or governors and directors of the faid hofpital for the time being, or any feven or more of them, from time to time, and at all times hereafter, to contract for the fale of, and accordingly to make fale and difpofe of all or any fuch part or parts of the timber, or timber trees on the faid eftates, as they the faid commiffioners, or governors and directors, or any feven or more of them, fhall think fit, and to authorize and appoint any perfon or perfons to make any contract or contracts for the fale of all or any part or parts of fuch timber and timber trees, and to receive the purchafe-money for the fame, without being obliged to make any application for all or any of thofe purpofes to his Maiefty's court of *exchequer*, or to any perfon or perfons whatfoever.

and to allow  
falaries,

and to make  
fale of timber,

without ap-  
plication to  
the Exche-  
quer.

The money  
arifing by fale  
of timber, to  
be applied to  
the hofpital.

Commiffion-  
ers impow-  
ered to cut down  
timber neceffary for re-  
pairs.

VIII. And it is hereby enacted, That the money to arife by the fale of the faid timber, fhall be applied to the ufe of the faid hofpital, but fo nevertheless, as that no perfon or perfons who fhall purchafe any part of fuch timber, fhall be answerable for the application of fuch purchafe-money; and that it fhall and may be lawful to and for the faid commiffioners, or governors and directors of the faid hofpital, or any feven or more of them, to direct the cutting down, from time to time, fuch timber and timber trees from off the faid eftates, as they fhall at any time adjudge neceffary or fitting to be ufed in the repairing any houfes, tenements, buildings, or erections on the faid eftates, or to be ufed in the building any new houfes, tenements, edifices, buildings, or ftructures, as they fhall judge fitting to be erected on the faid eftates, or fhall think it neceffary or reasonable to build or erect for any tenants of the faid eftates, or for the benefit or improvement of the premisses, or any part thereof.

and to demife  
the mines for  
21 years.

IX. And be it further enacted, That it fhall and may be lawful to and for the commiffioners, or governors and directors for the time being of the faid royal hofpital at *Greenwich*, or any feven or more of them, from time to time, and at all times here-  
after

after, to demise and grant all and every, or any of the mines of lead, coal, and other minerals, as well opened as not opened within and under any of the aforesaid lands and premises, to any person or persons, for any term or number of years, not exceeding twenty one years, and to grant leases of all or any of the aforesaid manors, lands, tenements, and hereditaments, unto any person or persons, for any term or number of years, not exceeding twenty one years, to take effect in possession and not in reversion, reserving on every lease, demise, or grant of mines, such dues, rent or rents, and profits, as they shall judge most reasonable, and reserving, on every other lease and demise, the best yearly or other rents or dues which can be reasonably gotten for the same, without taking any fine, *premium*, or foregift; and that it shall be lawful for the said commissioners, or governors and directors of the said hospital, or any seven or more of them, to grant in every such lease, demise, or grant of mines and minerals, to the respective adventurers, lessee or lessees of such mines and minerals, full power and liberty to win and work the same mines and minerals, and to do every other reasonable act and thing requisite and necessary for that purpose.

and to grant  
leases for 21  
years,

without fine;

and to grant  
power to work  
mines, &c.

X. But it is hereby enacted, That in every such demise and lease, there shall be contained a condition of re-entry for non-payment of the rent and rents thereby respectively to be reserved; and it shall be requisite for the respective lessees to execute counterparts of all such demises and leases, and no clause shall be contained in any of the said demises or leases, other than in demises or leases of the said mines or minerals, whereby to give power to any lessee to commit waste, or to exempt him, her, or them from punishment for committing the same.

Condition for  
re entry on  
nonpayment  
of rent, &c.

XI. And whereas the fines, customs, and services, by and under which several of the tenants hold their farms, lands, tenements, and estates, lying and being within several of the aforesaid manors, are agreed, ascertained, or expressed in some articles, indenture, deed, or writing, now or late in the custody or power of some of the said tenants, which, if produced, might be a means to prevent disputes, differences, and suits, concerning the said fines, customs, and services, and for the quiet and benefit both of the lord and tenants: and it may happen, that such tenants may refuse to produce or show such articles, indenture, deed, or writing; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for any seven or more of the commissioners, or governors and directors of the said hospital for the time being, to apply to his Majesty's court of *exchequer* at *Westminster*, by motion in a summary way, against any tenant or tenants holding any farms, lands, tenements, or estates, lying and being within the said manors, or any of them, of whose having in his, her, or their custody or power any such articles, indenture, deed, or writing, probable evidence shall be shewed to the satisfaction of the said court,

The commis-  
sioners may  
apply to the  
exchequer for  
tenants to pro-  
duce writings.

for such tenant or tenants to produce and shew forth the same; upon which motion, it shall and may be lawful to and for the said court of *exchequer*, to examine and enquire into the said matter, and to make such order or orders with respect to the produ-

Exchequer to  
make order  
thereon,

cing and shewing forth any such articles, indenture, deed, or writing, by any such tenant or tenants appearing to the said court to have the same in his, her, or their custody or power, and with respect to any copy or copies to be had and made thereof, and such other order and orders concerning the same, as the said court shall think proper and just.

Power given  
of electing  
trustees in the  
room of those  
who shall die.

XII. And it is hereby further enacted, That so soon as it shall happen that so many of them the said *Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays*, the trustees nominated and appointed in and by this act, for and on the behalf of the said commissioners, or governors and directors of the said royal hospital at *Greenwich*, shall happen to die, so as that the number of such trustees shall be reduced to eleven, or any lesser number, that then and in that case, it shall and may be lawful to and for the commissioners, or governors, and directors of the said hospital for the time being or any seven or more of them, and they are hereby authorized and impowered at any time thereafter, by any deed or instrument in writing under their respective hands and seals, and to be enrolled in his Majesty's high court of *Chancery*, to nominate such other persons as they the said commissioners, or governors and directors of the said hospital, or any seven or more of them, shall think fit, in the place of such of the said trustees as shall so happen to die; and that it also shall and may be lawful to and for the said commissioners, or governors and directors of the said hospital for the time being, or any seven or more of them, and they are hereby authorized and impowered, from time to time, and at all times afterwards, when and so often as any other of the said trustees, or when and so often as any of such other persons as shall be so nominated as aforesaid, or any other persons to be afterwards nominated in pursuance of this act (which they are hereby authorized and impowered to nominate accordingly) shall happen to die, by any such deed or instrument in writing as aforesaid, to nominate such other persons as they the said commissioners, or governors and directors, or any seven or more of them, shall think fit, in the place of all and every the person and persons so dying.

The lands to  
vest in the  
joint trustees.

XIII. And it is hereby enacted and declared, That from and immediately after every such nomination, all and singular the manors, lands, tenements, and hereditaments and powers herein before limited and given to the said *Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays*, and their heirs as aforesaid, shall be well vested in the persons who from time to time, shall be so nominated as aforesaid, jointly with the survivors of the said trustees, or such other persons as

aforeſaid, and in their heirs, in truſt for the ſaid commiſſioners, or governors and directors of the ſaid hoſpital, as fully and effectually, to all intents and purpoſes, as if the perſons to be ſo nominated as aforeſaid, had been actually named in this act, and the ſaid manors, lands, tenements, and hereditaments and powers had been hereby limited and given to them and the ſurvivors of the ſaid truſtees, or ſuch other perſons, as aforeſaid, and their heirs.

XIV. And it is hereby declared, That the ſaid term of five hundred years is ſo limited to the ſaid *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, adminiſtrators, and assigns, upon truſt, that they the ſaid *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and the ſurvivor of them, and the executors, adminiſtrators, and assigns of ſuch ſurvivor, do and ſhall by demife or mortgage of the manors, meſſuages, lands, tenements, and hereditaments, comprized in the ſaid term, or of a competent part thereof, for all or any part of the ſaid term, levy and raiſe the full ſum of thirty thouſand pounds of lawful money of *Great Britain*, and do and ſhall by and out of the rents, iſſues, and profits of the ſaid manors, lands, tenements, and hereditaments, levy and raiſe intereſt for the ſame from the twenty ninth day of *September*, one thouſand ſeven hundred and forty eight, at the rate of four pounds *per centum per annum*, until the ſaid principal ſum ſhall be levied and raiſed; and do and ſhall pay the ſum of ſix thouſand pounds, part of the ſaid principal ſum of thirty thouſand pounds, and intereſt for the ſame at the rate aforeſaid, from the twenty fifth day of *March*, one thouſand ſeven hundred and forty nine, unto the ſaid lady *Charlotte Radcliffe*, lady *Barbara Radcliffe*, and lady *Mary Radcliffe*, equally to be divided among them ſhare and ſhare alike, the parts and ſhares of the ſaid lady *Charlotte Radcliffe*, and lady *Barbara Radcliffe*, to be paid as ſoon as may be after the ſaid thirty thouſand pounds ſhall have been ſo levied and raiſed, and in the mean time to be conſidered as veſted intereſts reſpectively, and to go to their ſeveral executors, adminiſtrators, and assigns reſpectively; and the part or ſhare of the ſaid lady *Mary Radcliffe*, to be paid at her age of eighteen years, or day of marriage, which ſhall firſt happen: but if the ſaid lady *Mary Radcliffe* ſhall happen to die before ſhe ſhall attain her age of eighteen years, or be married, then the part and ſhare of her the ſaid lady *Mary Radcliffe*, of and in the ſaid ſum of ſix thouſand pounds, and the intereſt thereof, ſhall be paid unto the ſaid lady *Charlotte Radcliffe*, and lady *Barbara Radcliffe*, equally to be divided between them ſhare and ſhare alike, and their reſpective ſhares therein to be conſidered as veſted intereſts, in like manner; and as to the principal ſum of twenty four thouſand pounds reſidue of the ſaid principal ſum of thirty thouſand pounds, upon truſt, that they the ſaid *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and the ſurvivor of them, and the executors, adminiſtrators, and assigns of ſuch ſurvivor do and ſhall, from time to time, lay out and inveſt the ſaid principal ſum of twenty four

The term of 500 years limited to the duke of Richmond and Henry Fox eſquire, in truſt,

to raiſe 30,000 l. with intereſt at 4 l. per cent.

6,000 l. thereof to be paid to the ladies *Charlotte Radcliffe*, *Barbara Radcliffe*, and *Mary Radcliffe*, &c.

Diſpoſition of lady *Mary Radcliffe*'s portion in caſe ſhe die before 18 years of age, or marriage.

Truſtees to inveſt 24,000 l. in the publick funds, or ſtocks, &c.

and to pay in-  
terest for the  
ſame, and for  
the whole  
principal of  
30,000 l.

Intereſt of  
24,000 l. to be  
paid to James  
Bartholomew  
Radcliffe, and  
his iſſue male;

thouſand pounds, either in the publick funds, or in the purchaſe of parliamentary ſtocks, or do and ſhall place out the ſame at in-  
tereſt upon government ſecurities; and upon further truſt, that  
they the ſaid *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*,  
and the ſurvivor of them, and the executors and adminiſtrators  
of ſuch ſurvivor do and ſhall pay the intereſt of the ſaid principal  
ſum of twenty four thouſand pounds from the ſaid twenty fifth  
day of *March*, one thouſand ſeven hundred and forty nine, until  
the ſame ſhall belevied and raiſed by them, and the intereſt of the  
ſaid whole principal ſum of thirty thouſand pounds, from the ſaid  
twenty ninth day of *September*, one thouſand ſeven hundred and  
forty eight, to the ſaid twenty fifth day of *March*, one thouſand  
ſeven hundred and forty nine; and alſo from time to time pay  
the intereſt, dividends, annual profits, and proceed, which ſhall  
at any time or times ariſe by or in reſpect of the ſaid principal  
ſum of twenty four thouſand pounds, after the ſame ſhall be  
levied and raiſed by them, and of the ſtocks, funds, and ſecu-  
rities, in which the ſame ſhall or may be inveſted unto the ſaid  
*James Bartholomew Radcliffe* and his aſſigns, during his natural  
life, for his and their own ſole uſe and benefit, and from and  
after the deceaſe of the ſaid *James Bartholomew Radcliffe*, then  
do and ſhall pay the intereſts, dividends, annual profits, and  
proceed, which ſhall at any time or times thereafter ariſe by or  
in reſpect of the ſaid principal ſum, ſtocks, funds, and ſecu-  
rities, unto the firſt ſon of the ſaid *James Bartholomew Radcliffe*,  
lawfully to be begotten, to and for his own uſe and benefit, un-  
til he ſhall attain the age of twenty one years, or ſhall die under  
that age without iſſue of his body; and in caſe ſuch firſt ſon of  
the ſaid *James Bartholomew Radcliffe* ſhall attain his age of twenty  
one years, then that the ſaid truſtees ſhall pay, aſſign, transfer,  
and make over the ſaid principal ſum, and the ſtocks, funds,  
and ſecurities, in which the ſame ſhall or may be inveſted, to  
ſuch firſt ſon of the ſaid *James Bartholomew Radcliffe*, his execu-  
tors, and adminiſtrators, for his and their own ſole uſe and be-  
nefit; but in caſe ſuch firſt ſon ſhall happen to die under the age  
of twenty one years without iſſue of his body, that then they  
the ſaid truſtees do and ſhall pay the intereſt, dividends, annual  
profits, and proceed of the ſaid principal ſum, ſtocks, funds,  
and ſecurities unto the ſecond ſon of the ſaid *James Bartholomew  
Radcliffe*, lawfully to be begotten, to and for his own uſe and be-  
nefit, until he ſhall attain the age of twenty one years, or ſhall  
die under that age without iſſue of his body; and in caſe ſuch  
ſecond ſon of the ſaid *James Bartholomew Radcliffe* ſhall attain his  
age of twenty one years, then that the ſaid truſtees ſhall pay,  
aſſign, transfer, and make over the ſaid principal ſum, and the  
ſtocks, funds, and ſecurities, in which the ſame ſhall or may be  
inveſted, to ſuch ſecond ſon of the ſaid *James Bartholomew Rad-  
cliffe*, his executors and adminiſtrators, for his and their own  
ſole uſe and benefit; but in caſe ſuch ſecond ſon ſhall happen to  
die under the age of twenty one years without iſſue of his body,  
that then they the ſaid *Charles* duke of *Richmond* and *Lenox*, and

*Henry*

1749.] Anno viceſimo ſecundo. GEORGIÏ H. C. 52A

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Henry Fox, their Executors, administrators, and assigns; ſhall ſtand and be poſſeſſed of and intereſted in the ſaid principal ſum of twenty four thouſand pounds, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, in truſt for the third, fourth, fifth, and all and every other the ſon and ſons of the ſaid James Bartholomew Radcliffe, lawfully to be begotten, in like manner, and for ſuch intereſts, as are herein before reſpectively limited to the ſaid firſt and ſecond ſons of the ſaid James Bartholomew Radcliffe, every ſuch ſon and ſons to be intitled to, and to take the ſaid principal ſum, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, and the intereſt, dividends, annual profits, and proceed thereof, ſeverally and ſucceſſively one after the other, according to his and their priority of birth, the elder of ſuch ſon and ſons being always preferred, and to be intitled to and to take the ſame before the younger of ſuch ſon and ſons; and in caſe there ſhall not be any ſon of the ſaid James Bartholomew Radcliffe, lawfully begotten, or all ſuch ſons ſhall die before any of them ſhall attain his age of twenty one years, and without leaving iſſue of their bodies, then that they the ſaid truſtees do and ſhall pay the intereſt, dividends, annual profits, and proceed of the ſaid principal ſum, ſtocks, funds, and ſecurities, unto the firſt daughter of the ſaid James Bartholomew Radcliffe, lawfully to be begotten, to and for her own uſe and benefit, until ſhe ſhall attain the age of eighteen years, or ſhall die under that age, without iſſue of her body; and in caſe ſuch firſt daughter of the ſaid James Bartholomew Radcliffe ſhall attain her age of eighteen years, then that the ſaid truſtees ſhall pay, assign, transfer, and make over the ſaid principal ſum, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, to ſuch firſt daughter of the ſaid James Bartholomew Radcliffe, her executors and administrators, for her and their own ſole uſe and benefit; but in caſe ſuch firſt daughter ſhall happen to die under the age of eighteen years without iſſue of her body, that then they the ſaid truſtees do and ſhall pay the intereſt, dividends, annual profits and proceed of the ſaid principal ſum, ſtocks, funds, and ſecurities, unto the ſecond daughter of the ſaid James Bartholomew Radcliffe, lawfully to be begotten, to and for her own uſe and benefit, until ſhe ſhall attain the age of eighteen years, or ſhall die under that age, without iſſue of her body; and in caſe ſuch ſecond daughter of the ſaid James Bartholomew Radcliffe ſhall attain her age of eighteen years, then that the ſaid truſtees ſhall pay, assign, transfer, and make over the ſaid principal ſum, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, to ſuch ſecond daughter of the ſaid James Bartholomew Radcliffe, her executors and administrators, for her and their own ſole uſe and benefit; but in caſe ſuch ſecond daughter ſhall happen to die under the age of eighteen years, without iſſue of her body, then that they the ſaid Charles duke of Richmond and Lenox, and Henry Fox, their executors, administrators, and assigns, ſhall ſtand and be poſſeſſed of and intereſted in the ſaid

and in caſe of  
failure of male  
iſſue then to his  
iſſue female;



ſaid principal ſum of twenty four thouſand pounds, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, in truſt for the third, fourth, fifth, and all and every other the daughter and daughters of the ſaid *James Bartholomew Radcliffe*, lawfully to be begotten, in like manner, and for ſuch intereſts, as are herein before reſpectively limited to the ſaid firſt and ſecond daughters of the ſaid *James Bartholomew Radcliffe*; every ſuch daughter and daughters to be intitled to, and to take the ſaid principal ſum, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, and the intereſt, dividends, annual profits, and proceed thereof, ſeverally and ſucceſſively, one after the other, according to her and their priority of birth, the elder of ſuch daughter and daughters being always preferred, and to be intitled to, and to take the ſame before the younger of ſuch daughter and daughters; and in caſe there ſhall not be any daughter of the ſaid *James Bartholomew Radcliffe*, lawfully begotten, or all ſuch daughters ſhall die before any of them ſhall attain her age of eighteen years, and without leaving iſſue of their bodies, then that they the ſaid truſtees do and ſhall pay the intereſt, dividends, annual profits, and proceed of the ſaid principal ſum, ſtocks, funds, and ſecurities, unto the ſaid *James Clement Radcliffe*, and his aſſigns, during his natural life, for his and their own ſole uſe and benefit; and from and after the deceaſe of the ſaid *James Clement Radcliffe*, then do and ſhall pay the intereſt, dividends, annual profits, and proceed, which ſhall at any time or times thereafter ariſe by or in reſpect of the ſaid principal ſum, ſtocks, funds, and ſecurities, unto the firſt ſon of the ſaid *James Clement Radcliffe*, lawfully to be begotten, to and for his own uſe and benefit, until he ſhall attain the age of twenty one years, or ſhall die under that age, without iſſue of his body; and in caſe ſuch firſt ſon of the ſaid *James Clement Radcliffe* ſhall attain his age of twenty one years, then that the ſaid truſtees ſhall pay, aſſign, transfer, and make over the ſaid principal ſum, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, to ſuch firſt ſon of the ſaid *James Clement Radcliffe*, his executors and adminiſtrators, for his and their own ſole uſe and benefit; but in caſe ſuch firſt ſon ſhall happen to die under the age of twenty one years, without iſſue of his body, that then they the ſaid truſtees do and ſhall pay the intereſt, dividends, annual profits, and proceed of the ſaid principal ſum, ſtocks, funds, and ſecurities, unto the ſecond ſon of the ſaid *James Clement Radcliffe*, lawfully to be begotten, to and for his own uſe and benefit, until he ſhall attain his age of twenty one years, or ſhall die under that age, without iſſue of his body; and in caſe ſuch ſecond ſon of the ſaid *James Clement Radcliffe* ſhall attain his age of twenty one years, then that the ſaid truſtees ſhall pay, aſſign, transfer, and make over the ſaid principal ſum, and the ſtocks, funds, and ſecurities in which the ſame ſhall or may be inveſted, to ſuch ſecond ſon of the ſaid *James Clement Radcliffe*, his executors and adminiſtrators, for his and their own ſole uſe and benefit; but in caſe ſuch ſecond ſon

On failure of iſſue of James Bartholomew Radcliffe, then to be paid to James Clement Radcliffe, and his iſſue.

son shall happen to die under the age of twenty one years, without issue of his body, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of, and interested in, the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the son and sons of the said *James Clement Radcliffe*, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second sons of the said *James Clement Radcliffe*, every such son and sons to be intitled to, and to take the said principal sum, and the stocks, funds, and securities in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to his and their priority of birth, the eldest of such son and sons being always preferred, and to be intitled to, and to take the same before the younger of such son and sons; and in case there shall not be any son of the said *James Clement Radcliffe*, lawfully begotten, or all such sons shall die before any of them shall attain his age of twenty one years, and without leaving issue of their bodies, then that they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the first daughter of the said *James Clement Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such first daughter of the said *James Clement Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first daughter of the said *James Clement Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such first daughter shall happen to die under the age of eighteen years, without issue of her body, that then they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the second daughter of the said *James Clement Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such second daughter of the said *James Clement Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second daughter of the said *James Clement Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such second daughter shall happen to die under the age of eighteen years, without issue of her body, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*,

*Fox*, their executors, administrators, and assigns, ſhall ſtand and be poſſeſſed of, and intereſted in, the ſaid principal ſum of twenty four thouſand pounds, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, in truſt for the third, fourth, fifth, and all and every other the daughter and daughters of the ſaid *James Clement Radcliffe*, lawfully to be begotten, in like manner, and for ſuch intereſts, as are herein before reſpectively limited to the ſaid firſt and ſecond daughters of the ſaid *James Clement Radcliffe*, every ſuch daughter and daughters to be intitled to, and to take the ſaid principal ſum, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, and the intereſt, dividends, annual profits, and proceed thereof, ſeverally and ſucceſſively one after the other, according to her and their priority of birth, the elder of ſuch daughter and daughters being always preferred, and to be intitled to, and to take the ſame before the younger of ſuch daughter and daughters; and in caſe there ſhall not be any daughter of the ſaid *James Clement Radcliffe*, lawfully begotten, or all ſuch daughters ſhall die before any of them ſhall attain to the age of eighteen years, and without leaving iſſue of their bodies, then that they the ſaid *Charles duke of Richmond and Lenox*, and *Henry Fox*, their executors, administrators, and assigns, ſhall ſtand and be poſſeſſed of, and intereſted in, the ſaid principal ſum of twenty four thouſand pounds, and the ſtocks, funds, and ſecurities, in which the ſame ſhall or may be inveſted, in truſt for the executors, administrators, and assigns of the ſaid *James Bartholomew Radcliffe*, to and for their own proper uſe and benefit.

On failure of iſſue of *James Clement Radcliffe*, then to be paid to the executors and assigns of *James Bartholomew Radcliffe*.

*James Bartholomew Radcliffe*, and *James Clement Radcliffe* im-powered to make ſettle-ments in caſe of marriage;

XV. Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful to and for the ſaid *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, from time to time, and at any time during their reſpective natural lives, and when they ſhall by virtue of this act be reſpectively intitled to receive the yearly intereſt, dividends, profits, and proceed of the ſaid principal ſum of twenty four thouſand pounds, and of the ſtocks, funds, and ſecurities in which the ſame ſhall or may be inveſted, or any part or parcel thereof, by any deed or deeds, or other inſtrument in writing, under their reſpective hands and ſeals, atteſted by two or more credible witneſſes, to limit, appoint, or ſettle any part or parts of the yearly intereſt, dividends, profits, and proceed of the ſaid principal ſum, ſtocks, funds, and ſecurities, not exceeding one third part of the yearly intereſt, dividends, profits, and proceed of ſo much of the ſaid principal ſum, ſtocks, funds, and ſecurities, as they ſhall reſpectively by virtue of this act be then intitled actually to receive, to and upon, and for the uſe and benefit of any woman or women with whom the ſaid *James Bartholomew Radcliffe* and *James Clement Radcliffe* ſhall hereafter happen to inter-marry, for the life of ſuch woman or women, in nature of a jointure for ſuch woman or women, and to take effect immediately after the deceaſe of the perſon or perſons making ſuch limitation, appointment, or ſettlement, and ſuch limitation, appointment, or ſettlement,

settlement, to be before or after such marriage, as to them the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, shall respectively seem meet. -

XVI. Provided also, and it is hereby further enacted and declared, That it shall and may be lawful to and for the said *James Bartholomew Radcliffe* and *James Clement Radcliffe*, as and when they shall by virtue of this act be respectively intituled to receive the yearly interest, dividends, profits, and proceed of the said principal sum of twenty four thousand pounds, and of the stocks, funds, and securities, in which the same shall or may be invested, or any part or parcel thereof, by any deed or deeds, or other instrument in writing, under their respective hands and seals, with or without power of revocation, and to be attested by two or more credible witnesses, or by his or their last will or wills in writing, signed by him or them, and attested by three or more credible witnesses, to assign, limit, or appoint unto any such person or persons, as shall by him or them be thought proper to be trustees in that behalf, any part or parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, not exceeding one third part of the yearly interest, dividends, profits, and proceed of so much of the said principal sum, stocks, funds, and securities, as they shall respectively by virtue of this act be then intituled actually to receive, to hold unto such trustees, their executors, administrators, and assigns, for any term or number of years, not exceeding twenty one years, to commence either in possession, or at any future day, during the life of the person and persons so respectively assigning, limiting, or appointing the same, or from his or their decease, as in and by such deed, instrument, or will shall be expressed.

and to assign to trustees one third of the proceed of 24,000*l.* for 21 years,

XVII. And it is hereby enacted, That such respective assignments and appointments, to be made in pursuance of this act as last is mentioned, shall be respectively in order to and for the purpose of raising portions for the daughters and younger sons of the person and persons so assigning, limiting, or appointing such part or parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities as aforesaid; and they the said trustees, to whom such assignments or appointments shall be respectively made, and their executors and administrators, shall respectively stand possessed of, and interested in the part and parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, so to be to them respectively assigned, limited, or appointed as aforesaid, in trust, by the ways and means in such respective deeds, instruments, or last wills to be mentioned to levy and raise for the portion and portions of the respective daughter or daughters, younger son or younger sons of the respective person and persons so assigning, limiting, or appointing the said part and parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, such sum and sums of money so to be paid to and among

in order to raise portions for daughters and younger sons.

A payment  
of such por-  
tions, the  
term to cease.

among such daughter or daughters, younger son or sons, in such shares and proportions, and at such days and times, and with or without such maintenance or interest in the mean time, until the same shall be paid, not exceeding the interest of such respective portions, and also with such benefit of survivorship, and subject to and under such conditions, provisos, limitations, declarations, and agreements, and with such powers for lessening, increasing, changing, and altering all and every such portion or portions, as in and by such respective deeds, instruments, or last wills, shall, from time to time, by the respective person and persons so assigning, limiting, or appointing such respective part and parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, be directed and declared, and to and for no other intent or purpose whatsoever; and from and immediately after such portion or portions, maintenance and interest shall be raised and paid, and upon payment thereof by the person intitled to the reversion expectant on the determination of the said term, all and every such term, so to be created and vested in trustees as aforesaid, shall cease, determine, and be void, to all intents and purposes whatsoever.

James Bartholomew Radcliffe to become bound in 50,000l. not to enter into any foreign service without licence from the King.

XVIII. Provided always, and it is hereby enacted and declared, That if the said *James Bartholomew Radcliffe* shall not, within the space of twelve calendar months next after the passing of this act, in case he shall be living at the end of the said twelve months, enter into a recognizance before the chief justice of his Majesty's court of *King's Bench*, or before the chief justice of his Majesty's court of *Common Pleas*, at *Westminster*, wherein he shall be bound to his Majesty, his heirs and successors, in the sum of fifty thousand pounds, not to enter into the service of any foreign prince, state, or potentate, in any capacity whatsoever, nor to depart this realm without the licence of his Majesty, his heirs or successors, under his or their sign manual for that purpose first had and obtained; that then, and in that case, all such right, title, and interest, as is herein before vested in, or limited to, the said *James Bartholomew Radcliffe*, and his issue, in and to the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities in which the same shall or may be invested, and in and to the interests, dividends, annual profits, and proceed thereof, shall, from thenceforth, cease and determine, in the same manner, to all intents and purposes, as if the said *James Bartholomew Radcliffe* was then actually dead without issue of his body.

James Clement Radcliffe to become bound in 50,000l. not to enter into foreign service without licence.

XIX. Provided also, and it is hereby likewise enacted and declared, That if the said *James Clement Radcliffe* shall not, within twelve calendar months next after he shall have had notice that any right, title, or interest, in or to the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, or any part thereof, hath actually come to, or is vested in him in possession, by virtue of the trusts aforesaid, appear before the chief justice of his Majesty's court of *King's Bench*,

*Bench*, or before the chief justice of his Majesty's court of *Common Pleas* at *Westminster*, and enter into a recognizance, wherein he shall be bound to his Majesty, his heirs and successors, in the like sum of ~~£50~~ thousand pounds, not to enter into, nor continue, or be in the service of any foreign prince, state, or potentate, in any capacity whatsoever, nor to depart this realm, without the licence of his Majesty, his heirs or successors, under his or their sign manual for that purpose first had and obtained, that then, and in that case, all such right, title, and interest, as is herein before vested in, or limited to, the said *James Clement Radcliffe*, and his issue, in and to the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, and in and to the interest, dividends, annual profits, and proceed thereof, shall, from thenceforth cease and determine, in the same manner, to all intents and purposes, as if the said *James Clement Radcliffe* was then actually dead, without issue of his body.

XX. And it is hereby enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to give to the said *James Bartholomew Radcliffe*, *James Clement Radcliffe*, lady *Charlotte Radcliffe*, lady *Barbara Radcliffe*, and lady *Mary Radcliffe*, or to any of them, any right or privilege of claiming to be naturalized by virtue of this act, or of being deemed or taken, or of claiming, by virtue hereof, to be natural born subjects; but they and every of them shall be and remain in respect thereof, in the same state, plight, and condition, to all intents and purposes, as they and every of them would have been in case this act had not been made, save that they and every of them shall and may maintain any action or actions, and commence and prosecute any suit or suits, and use and exercise all such other remedies and privileges as shall be necessary for the enabling them, or any of them, to have the benefit of this act, and of the several provisions hereby made, and of the several trusts and interests before-mentioned; any thing herein before contained to the contrary notwithstanding.

None of the parties benefited to be naturalized by this act.

XXI. Provided always, and it is hereby further enacted, That if the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, or either of them, or their or either of their issue, either male or female, for whom any provision is made, or intended to be made, by this act, or to or for whom any trust or interest is hereby limited or declared, shall at any time hereafter be guilty of or commit any crime or offence which would be high treason, or misprison of treason, or shall do or perform any act, matter, or thing which would have amounted to high treason, or misprison of treason, in case the person or persons so being guilty of or committing any such crime or offence, or so doing or performing such act, matter, or thing, as aforesaid, had been a natural born subject of this realm, that then, and in that case, the person or persons who shall be so guilty of, or commit such crime or offence, or who shall so do or perform any such act, matter, or thing, as aforesaid, shall for him and herself,

Penalty of any of the said parties being guilty of high treason, or misprison of treason.

and

and for themselves respectively, and for his, her, and their issue and descendants, forfeit to his Majesty, his heirs and successors, all such right, title, and interest, as shall be then vested in him, her, or them, either in possession or reversion, in and to the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, and in and to the interest, dividends, annual profits, and proceed thereof, in the same manner, to all intents and purposes, as if such person or persons had been natural born subjects of this realm.

The commissioners empowered to agree with the trustees, or others, for less interest.

XXII. And it is hereby enacted, That it shall and may be lawful to and for the said commissioners, or governors and directors of the said hospital, or any seven or more of them, at any time or times hereafter, to agree with any person or persons who shall be intitled to all or any part of the principal money to be levied and raised by virtue of this act, or the interest thereof, for any less rate or interest for such principal money, than is hereby made payable for the same, or than the same shall or may be levied and raised at; and in case the person or persons who shall be intitled thereto shall not so agree, then to agree with any other person or persons for the advancing money at any less rate or interest than aforesaid, for paying off all or any part of the principal money hereby directed to be levied and raised; and then and in that case, the principal money which shall be so paid off, and the securities for the same, shall be assigned to the person or persons who shall advance such money, provided that such assignment shall be made for the respective principal money only that shall be so paid off, and for the interest of such principal money to grow due from and after the making of such assignments respectively; and that the said principal money, and the interest thereof in all such assignments, shall be made payable at the end of six months at the farthest, from the day of the making such assignments respectively.

Trustees to give receipts.

XXIII. And it is hereby further enacted, That the receipt or receipts of the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, or the survivor of them, or the executors or administrators of such survivor, under his or their hands respectively, shall be a good and effectual discharge to the person and persons to whom any demise or mortgage shall be made in pursuance of this act, for such sum and sums of money for which such receipt or receipts shall be given; and after such receipt or receipts shall be given, such person and persons shall be, and are hereby absolutely acquitted and discharged of and from the same; and they, or any of them, after such receipt or receipts given, shall not be answerable or accountable for any loss, misapplication, or nonapplication of the said money, or any part thereof.

No trustee to be accountable for more than what he shall separately do.

XXIV. Provided always, and it is hereby further enacted and declared, That the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, or the survivor of them, or the executors, or administrators of either of them, shall not be answerable nor accountable

accountable for any fum or fums of money to be received by them, or any of them, under the trusts hereby created and declared, any otherwife than each perfon for fuch fum or fums of money as he fhall refpectively actually receive; and that no one of them fhall be anfwerable or accountable for the acts, receipts, neglects, or defaults of the other of them, nor for any lofs or damage that fhall or may happen by or in placing out of the faid principal fum of twenty four thoufand pounds, or any part thereof, at intereft, or by or in depositing the fame with any perfon or perfons, or in any place or places, for fafe cuftody, until the fame fhall, from time to time, be placed out as aforefaid, unlefs fuch lofs or damage fhall happen by or through their voluntary or wilful default.

XXV. And it is hereby alfo enacted, That they the faid *Charles duke of Richmond and Lenox*, and *Henry Fox*, and each of them, and their and each of their executors and adminiftrators, out of the principal money which fhall come to their or any of their hands, or the intereft, dividends, and proceed thereof, fhall be allowed, and retain to and reimburse themfelves all fuch cofts, charges, damages, and expences, as they fhall or may refpectively fuftain, be at, or put unto, in or about the execution of all or any of the trusts hereby in them reposed. Trusts, and imburse themfelves.

XXVI. And be it further enacted by the authority aforefaid, Publick act. That this act, and every claufe, matter, and thing herein contained, fhall by all and every judge and judges, and other perfon and perfons, be conftrued and adjudged as largely and beneificially in all courts of law and equity, and all other places, as can be for the ends and purpofes herein expreffed, and the fame is hereby declared to be a publick act of parliament, and all judges and juftices are hereby required to take notice thereof as fuch, without fpecial pleading the fame.

XXVII. Saving to the King's moft excellent majefty, his heirs and fucceffors, all his and their right to fuch quit-rents, crown-rents, and dutchy-rents, only iffuing out of the faid Rights of the crown, and others faved. feveral eftates intended to be hereby fettled to and for the ufe and benefit of the faid royal hofpital at *Greenwich*, as the fame eftates were refpectively liable to on the twenty third day of *June*, in the year of our Lord one thoufand feven hundred and fifteen; and faving to the lady *Catharine Radcliffe*, if living, and to all and every other perfon and perfons (other than and except the faid King's majefty, his heirs and fucceffors, fave as aforefaid, and other than and except the faid *James Bartholomew Radcliffe*, commonly called lord *Kenaird*, and *James Clement Radcliffe*, and the heirs male of their refpective bodics; and all and every other perfon and perfons whatfoever, who is, are, or fhall be the defcendant or defcendants of or from the faid *Francis* late earl of *Derwentwater*, or the faid *James* late earl of *Derwentwater*, or the faid late *Charles Radcliffe*, or any of them, except the faid lady *Catharine Radcliffe*, if living, and all and every other perfon and perfons, who may or fhall at any time hereafter claim any right,



And William secundo GEORGE II. c. 32. [1743]

title, estate, or interest, in, to, or out of the said several last-mentioned estates, by means of the said recited settlements of the twenty third and twenty fourth days of *March*, one thousand six hundred and ninety one, and the twenty third and twenty fourth days of *June*, one thousand seven hundred and twelve, or either of them) all their right, title, interest, claim, or demand to the said several estates intended to be hereby settled to and for the use and benefit of the said royal hospital at *Greenwich*, or any part or parts thereof.

*The END of the Nineteenth Volume.*









